
Appendix F

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Appendix F

Comment and Response

- Comment and Response Correlation
- Comment Tracking Table
- Comment Package (Comments received as of March 18, 2010)
- Additional Comments Received (After March 18, 2010)

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Comment and Response Correlation

Appendix F contains the South Dakota PrairieWinds Project Draft Environmental Impact Statement (DEIS) comment and response tracking table, as well as a copy of the comments received on the DEIS. The comment and response tracking table is presented first to make responses to specific comments easier to find. Columns within the table include: comment number, commenter, comment summary, and response/treatment. The following is a description of each column.

Comment number: Each comment document was assigned a reference number. Then, the individual comments within the document were assigned a secondary reference number. For example, the comment document received from the National Park Service was assigned as “Comment Reference Document 5” and five comments were identified within this document; therefore, the comment reference numbers for those comments are 5.1, 5.2, 5.3, 5.4, and 5.5.

Commenter: Name of organization or individual who provided comment.

Comment category: The topic (*e.g.*, the NEPA process, the affected environment section, air quality impacts, *etc.*) to which a comment is addressed.

Response/treatment: Substantive, factual and editorial comments were incorporated and addressed in the EIS (location of revision is provided in the table). Other comments not affecting the substance of the document have been noted and included in the Administrative Record (these comments are identified as “Noted” in the table); for some of these comments, additional information is provided to respond to issues or concerns in the comment.

Following the table is a compilation of the comments received as of March 18, 2010 on the DEIS. The comment documents are grouped by cooperating agency, Federal agency, State of South Dakota agency, Native American Tribes, local agencies, and public. Within the Federal agency, State of South Dakota agency, and Native American Tribes sections, the comment documents are listed in alphabetical order by agency or Native American Tribe name. Within the public section, the transcripts from the public hearings are listed first, followed by comments received via fax, mail, or emails listed in alphabetical order by last name of the commenter. To protect the privacy of the individuals, contact information has been obscured on comments received by the public. As identified above, each comment document (or public hearing comment) was assigned a reference number. Then, the individual comments were assigned a secondary reference number. The comment reference numbers are identified in the comment reference documents in the comment packet, and comment and response tracking table. Comments received after the comment summary package was put together are included at the end of the appendix.

South Dakota PrairieWinds DEIS Comment and Response Tracking Table

Comment Number	Commenter	Comment Category	Location of response in FEIS/or Treatment
Cooperating Agency			
I.1	USFWS	USFWS information	Noted.
I.2	USFWS	Federal wildlife laws	Noted.
I.3	USFWS	Protocols and Avian and Bat Protection Plan (ABPP)	Noted. Survey protocols for pre-construction surveys were developed in coordination with USFWS and SDGFP and surveys were completed for avian and bat species in 2009 (WEST 2010a and 2010b). A project-specific draft Operations and Monitoring Plan (OMP) is currently being developed and will be finalized prior to construction, including survey protocols. Post-construction survey protocols (including the Whooping Crane Monitoring Plan) are currently being developed and will be provided to USFWS for review. Additional BMPs and APMs detailing certain protocols are provided in Chapter 2, Table 2.2 and 2.3 and have been updated to provide more specific details. An ABPP is also currently being developed per the Avian Protection Plan (APP) Guidelines (APLIC and USFWS 2005). The ABPP is a corporate level document of the Applicant that is not specific to the proposed SDPW project and may not be completed prior to the issuance of the FEIS.
I.4	USFWS	Distribution of protocols and ABPP	Noted. Protocols and plans referenced in the DEIS are in various stages of completion. USFWS will be provided these and asked to comment; however, this may not occur before the FEIS is published (e.g., ABPP).
I.5	USFWS	Federal wildlife statutes and regulations	See FEIS Section 3.4.1
I.6	USFWS	Interpretation of Federal wildlife statutes, regulations and potential impacts	Noted. Interpretation of potential effects in relation to the laws has been reviewed to ensure consistency. See FEIS Section 4.4.
I.7	USFWS	MBTA, ESA and BGEPA	See Table S-2
I.8	USFWS	Wildlife laws and policies applicable to the wind facility	See FEIS Sections 3.4.1 and 4.4.
I.9	USFWS	Western and RUS consultation with USFWS and MOU	Noted. The USFWS was provided the opportunity to review the document before it was finalized.

South Dakota PrairieWinds DEIS Comment and Response Tracking Table

Comment Number	Commenter	Comment Category	Location of response in FEIS/or Treatment
I.10	USFWS	BMPs and AMPs	EIS text in Table 2.3 was updated to clarify these commitments. Additionally, an OMP is being developed and will be provided to the USFWS for review and approval, and additional habitat offsets for whooping crane and grassland birds have been discussed with the USFWS and committed to by the Applicant.
I.11	USFWS	ABPP	Development of the ABPP is ongoing and adheres to the APP Guidelines that were developed, in part, by the USFWS. Adaptive management for wildlife species will be fully described in the OMP for the wind facility and will be provided to USFWS for review.
I.12	USFWS	Habitat (including wetland) mitigation plan	The habitat mitigation plan for habitat offsets was discussed with the USFWS on April 6, 2010, and is currently being developed. It will be finalized prior to construction.
I.13	USFWS	Pre-construction protocol for coordinating with land managers	The established protocol for coordinating with USFWS land managers includes weekly project teleconferences, project and interagency meetings, field visits, and other meetings as necessary.
I.14	USFWS	ABPP	The ABPP is not specific to this project. The OMP, which will include construction requirements, post-construction avian and bat survey and reporting requirements is being completed and a draft will be provided to the USFWS prior to the release of the FEIS.
I.15	USFWS	Plan for measures to conserve Federally listed species	Noted. The BA for the project is currently being reviewed by the USFWS and includes measures to conserve Federally listed species.
I.16	USFWS	Plan for post-construction monitoring and adaptive management	Noted. The OMP is being developed and will include a plan for post-construction monitoring and adaptive management.

South Dakota PrairieWinds DEIS Comment and Response Tracking Table

Comment Number	Commenter	Comment Category	Location of response in FEIS/or Treatment
1.17	USFWS	Thresholds of significance and significance criteria	Noted. The use of thresholds of significance is common NEPA practice used by numerous Federal agencies, and all potential effects related to the project have been analyzed in this FEIS. Significance criteria were developed based on scientific information, statute, or in response to public concern. The criteria used for biological resources are described in Section 4.4.2. BMPs, APMs (including pre-construction surveys), the OMP(including post-construction surveys, monitoring, and reporting requirements), and habitat offsets have been included as part of the project description or as additional commitments in order to reduce impacts on given species to a less than significant level. Additionally, statute definitions have been corrected and analyzed in impact determinations. See FEIS Section 4.4.
1.18	USFWS	Thresholds of significance, significance criteria and MBTA and BGEPA	Noted. FEIS Section 3.4.1.1 has been updated to include the more detailed descriptions of the BGEPA and MBTA provided by USFWS.
1.19	USFWS	Cumulative impacts	Noted. The process for determining which "past and present actions" and "reasonably foreseeable activities" were included in the cumulative impacts analysis described in Chapter 5.. New projects were added to this analysis and the cumulative impacts on have been reevaluated. Those "potential" projects that were deemed "reasonably certain to occur" were included in the analysis. We have also updated Table 5.1 and added Figure 5.2 to include the existing, in construction and reasonably foreseeable projects that are being carried forward in the analysis.
1.20	USFWS	Cumulative impacts and the Map from the South Dakota Office of Economic Development with proposed projects	The Titan project and many others included on the South Dakota Economic Development map [Attachment 3] provided by USFWS are not "reasonably foreseeable actions" as defined by the process in FEIS Section 5.3. These criteria were applied to all of these projects, and those projects that meet the criteria were carried forward for analysis.
1.21	USFWS	Cumulative impacts	Measures to avoid or compensate for incremental additions to cumulative impacts are identified in Chapter 5 where it was determined that incremental impacts may occur.
1.22	USFWS	Contact information	Noted.

South Dakota PrairieWinds DEIS Comment and Response Tracking Table

Comment Number	Commenter	Comment Category	Location of response in FEIS/or Treatment
1.23	USFWS	Consultation and coordination	Noted. The agencies (including USFWS) and project team have a current coordination protocol in place including ,site visits, interagency meetings and weekly project teleconferences. USFWS is also on the email list, was involved in survey protocol development, and reviewed the preliminary DEIS. This coordination will continue through the EIS process. A primary contact for coordination was requested.
1.24	USFWS	Turbine locations and wetland and grassland easements	Noted. Coordination will continue. A primary contact for coordination was requested.
1.25	USFWS	Turbine locations and wetland and grassland easements	Noted. Coordination between the USFWS and Applicant should continue. The Applicant for the SDPW Project is not the Applicant for the Wind Partners proposed development although Basin Electric will operate and maintain the seven additional turbines and is willing to work with USFWS.
1.26	USFWS	Transmission line locations and wetland and grassland easements	Noted. Coordination will continue. See FEIS Section 4.4
1.27	USFWS	Power line marking	The EIS text has been updated (and explains that the entire length of new transmission line would be marked; therefore, no surveys will be needed).
1.28	USFWS	Regulatory framework	Noted. USFWS will have another opportunity to review the FEIS.
1.29	USFWS	ESA	See FEIS Section 4.3.1.
1.30	USFWS	MBTA	See FEIS Section 4.3.1.
1.31	USFWS	BGEPA	See FEIS Section 4.3.1.
1.32	USFWS	National Wildlife Refuge System Improvement Act	See FEIS Section 4.3.1.
1.33	USFWS	Whooping crane migration	Figure 3.4-5 was added in FEIS Section 3.4.
1.34	USFWS	Whooping crane migration	See FEIS Table 3.4-9 and Section 3.4.5.
1.35	USFWS	WEST surveys	This statement was clarified with text describing the purpose of the avian surveys, See FEIS Section 3.4.
1.36	USFWS	Native prairie and habitat fragmentation	FEIS Section 4.4.3 was updated to include more detailed fragmentation discussion. Based on the low-level of impact, additional mitigation is not recommended.

South Dakota PrairieWinds DEIS Comment and Response Tracking Table

Comment Number	Commenter	Comment Category	Location of response in FEIS/or Treatment
1.37	USFWS	APM/BMP	FEIS text for BMPs and APMs has been updated to include more detail. The OMP that is being drafted will include more detail defining the commitments of the Agencies and Applicants. This plan will be provided to the USFWS for review and comment. A separate appendix to the EIS is not necessary as references to these plans are included in Table 2.3.
1.38	USFWS	APM/BMP - Grassland Easements	Noted. Additional text has been included in the APM (See FEIS Table 2.3) stating that these impacts would not occur on USFWS grassland easements.
1.39	USFWS	Migratory bird breeding season	The APM (See FEIS Table 2.3) describes the protocol for surveys; it was updated to include specific dates and explain that construction would occur outside of this window where feasible.
1.40	USFWS	Red and white lights for turbine lighting	Noted. FAA would determine lighting specifics, including color, and the Agencies and Basin Electric would comply with FAA's determination.
1.41	USFWS	Executive Order 13186	See FEIS Chapter 4
1.42	USFWS	BMPs and APMs	The term ABPP was incorrectly used in the DEIS. FEIS Table 2.3 has been changed to "OMP" to refer to the plan that is being developed using the best available published information. It will include project-specific construction requirements and post-construction monitoring and reporting requirements. The OMP is required for the Applicant to construct and operate the Proposed Project. The Applicant is also preparing an ABPP for its corporate policy. The ABPP is not a public document and may not be completed prior to the FEIS. The Applicant will also adhere to commitments in the BA.

South Dakota PrairieWinds DEIS Comment and Response Tracking Table

Comment Number	Commenter	Comment Category	Location of response in FEIS/or Treatment
1.43	USFWS	Impacts to bird species	<p>Noted. The conclusions that impacts to bird species would be less than significant because the wind facility would not affect the biological viability of a local, regional, or national population of bird species are based on a number of factors, including the potential for collision mortality based on survey data (e.g., raptor use is low), the small amount of grassland habitat loss compared to the project area (0.4%), the relatively small scale of fragmentation that would be caused by the project, avoidance impacts on a relatively small proportion of available grassland habitats, and the relatively low mortality rate expected. EIS text in FEIS Section 4.4 was updated to include a more detailed impact analysis and provides rough estimates for expected avian mortalities based on extremely limited data. Because these impacts are difficult to quantify, the OMP will be implemented and will provide additional data relating to avian impacts.</p>
1.44	USFWS	BMPs and APMs, MGTA and BGEPA	<p>FEIS Tables 2.2 and 2.3 include protective measures for threatened, endangered, and other protected species. Table 2.3 also includes protective measures for other "unprotected" species. BGEPA and MBTA compliance is not included in these tables but is addressed in Chapter 4.</p>
1.45	USFWS	Impacts to wildlife	<p>Noted. Literature searches were conducted and none could be found that address wind farm impacts on mammals, reptiles, or amphibians. Impacts were determined to be less than significant based on small amount of habitats that will be disturbed, the short construction timeframe, and the low level of disturbances from operations. See FEIS Section 4.4.3.</p>
1.46	USFWS	Impacts to bats	<p>Data has been added to FEIS Section to include results from the 2009 bat surveys; text was also updated in FEIS Section 4.4.3 to address potential impacts.</p>
1.47	USFWS	Impacts to bald eagles	<p>EIS text was updated on Pages 102, 111, 190, and 203. See FEIS Sections 3.4 and 4.4.3.</p>

South Dakota PrairieWinds DEIS Comment and Response Tracking Table

Comment Number	Commenter	Comment Category	Location of response in FEIS/or Treatment
1.48	USFWS	Cumulative impacts and the Map from the South Dakota Office of Economic Development with proposed projects [Attachment 3]	Noted. The process for determining which "past and present actions" and "reasonably foreseeable activities" were included in the cumulative impacts analysis as described in Section 5.3. Several new projects were added to this analysis and the cumulative impacts in FEIS Section 5.4.2 have been reevaluated, including those to migratory birds. Those "proposed" projects that were deemed "reasonably certain to occur" were included in the analysis. We have also updated Table 5.1 and added Figure 5.2 to include the proposed projects that are being carried forward in the analysis.
1.49	USFWS	Cumulative impacts and CEQ	Noted.
1.50	USFWS	Cumulative impacts and MISO	Information on MISO has been added in FEIS Section 5.2.
1.51	USFWS	Cumulative impacts and existing utility infrastructure	The majority of the region, including both site alternatives, is currently used for rangeland and agriculture; additionally, Western's Wessington Springs and Winner substations were identified as industrial uses. Agriculture, sporadic farmsteads and road infrastructure are existing and ongoing activities. For purposes of analyzing cumulative impacts, those past and present activities were considered part of the baseline condition of the areas see in FEIS SECTION 5.2.
1.52	USFWS	Cumulative impacts and reasonably foreseeable future actions	Noted. The process for determining which "past and present actions" and "reasonably foreseeable activities" were included in the cumulative impacts analysis is described in FEIS Section 5.3. Several new projects were added to this analysis and the cumulative impacts in FEIS Section 5.4 have been reevaluated. Those "potential" projects that were deemed "reasonably certain to occur" were included in the analysis. We have also updated FEIS Table 5.1 and added FEIS Figure 5.2 to include the proposed projects that are being carried forward in the analysis. The Titan project did not meet these criteria and was not carried forward in the analysis.
1.53	USFWS	Cumulative impacts and reptile and amphibian mortality	FEIS Section 5.4.2 was updated to explain the logic for the conclusion that incremental impacts would not increase cumulative impacts to these species based on the cumulative impact analysis area for these species.
1.54	USFWS	Cumulative impacts, tower lighting and mortality	See FEIS Section 5.4.2

South Dakota PrairieWinds DEIS Comment and Response Tracking Table

Comment Number	Commenter	Comment Category	Location of response in FEIS/or Treatment
1.55	USFWS	Cumulative impacts to birds and bats	Noted. Potential cumulative impacts to birds and bats was reevaluated based on the updated list of potential projects (FEIS Table 5.1). Information from the SDPUC and AWEA was utilized; the MW and turbine information that was available is listed in FEIS Table 5.1. Given the distance that separates most of these projects in South Dakota, it is not expected that species using those areas would be incrementally impacted by the wind facility.
1.56	USFWS	Cumulative impacts to birds and bats	See FEIS Section 5.4.2
1.57	USFWS	Federally listed species Topeka shiner and Piping Plover	See FEIS Table S-2
1.58	USFWS	Federally listed species Piping Plover	FEIS Section 4.4.3 was updated to reflect the conclusion from the BA. The likelihood of piping plover mortality is discountable and formal consultation is not necessary. USFWS sent a letter accepting the BA on March 16, 2010 indicating concurrence with the determinations in the BA (Larson 2010).
1.59	USFWS	Federally listed species American burying beetle	See FEIS table S-2 and Section 4.4.3
1.60	USFWS	Section 7 (a) (1)	FEIS Section 4.4.3 was updated with information provided to the USFWS in the BA. The Agencies recognize their obligations under 7(a)1. The Agencies can only provide conservation measures under their respective authorities. The Agencies cannot acquire land as suggested by USFWS. The Applicant has agreed to habitat offsets for indirect wetland impacts and avoidance impacts for grassland and wetland avian species.
1.61	USFWS	Federally listed species Northern leopard frog	Noted. Potential impacts to this species were considered in Sections 4.4.3.1 and 4.4.3.2 of the FEIS. If the USFWS finds that listing is "not warranted", no further consideration will be necessary. If the USFWS finds that listing of this species is "warranted" or "warranted but precluded", the Agencies understand intra-service Section 7 requirements would apply regarding turbine placement on USFWS easement areas.
1, Attachment 1	USFWS	Region 6, Guidance for Minimizing Effects from Power Line Projects Within the Whooping Crane Migration Corridor	Noted.

South Dakota PrairieWinds DEIS Comment and Response Tracking Table

Comment Number	Commenter	Comment Category	Location of response in FEIS/or Treatment
1, Attachment 2	USFWS	Central Flyway Whooping Crane Migration Corridor (Figure)	Incorporated into FEIS, see Figure 3.4-5.
1, Attachment 3	USFWS	South Dakota Wind Energy Development (Figure)	Evaluated for inclusion in cumulative impacts, see FEIS Section 5.3.
Federal			
2.1	BIA	No comment on Proposed Action	Noted.
2.2	BIA	Contact Tribes or Tribal members with lands in fee status near the proposed site alternatives	Noted. Tribes have been contacted regarding the Proposed Project and site alternatives. See FEIS Sections 1.4.3, 1.5, and 9.1.
2.3	BIA	Compliance with regulation to ensure the BIA has no environmental objection to actions	Noted.
2.4	BIA	Contact information	Noted.
2.5	BIA	Proposed actions would not affect cultural resources that the BIA are responsible for	Noted.
2.6	BIA	Compliance with regulations such as the Native American Graves and Repatriation Act (NAGPRA) and the Archaeological Resources Protection Act of 1979 (ARPA)	Noted. Implementation of Applicants and Agencies BMPs would ensure compliance with NAGPRA and ARPA regulations.
2.7	BIA	Contact information	Noted.
3.1	DOI	Biological APMs and BMPs	Noted. Details were added to Table 2.3 regarding the Applicant and Agency commitments. Additionally, an OMP detailing post-construction commitments has been drafted and provided the USFWS for review. Whooping Crane monitoring commitments were outlined in the BA, and habitat offsets were designed and committed to by the Applicant.
3.2	DOI	Biological APMs and BMPs	Noted. Details were added to Table 2.3 regarding the Applicant and Agency commitments. Additionally, an OMP detailing post-construction commitments has been drafted and provided the USFWS for review. Whooping Crane monitoring commitments were outlined in the BA, and habitat offsets were designed and committed to by the Applicant.

South Dakota PrairieWinds DEIS Comment and Response Tracking Table

Comment Number	Commenter	Comment Category	Location of response in FEIS/or Treatment
3.3	DOI	APMs and BMPs references	Noted.
3.4	DOI	APMs and BMPs	Noted. The Applicants and Agencies have committed to these included BMPs and APMs prior to the evaluation of environmental impacts.
3.5	DOI	Biological - MBTA, description of a "take"	Noted. Federal wildlife statute and regulation descriptions were updated in FEIS Section 3.4.1 and their relevance to project impacts were reexamined.
3.6	DOI	Executive Order 13186 and MOU between DOE and USFWS	Noted. The Agencies recognize their obligations under 7(a)1, EO 13186, and the MOU between DOE and USFWS. The Agencies can only provide conservation measures under their respective authorities. The Agencies cannot acquire land as suggested by USFWS. Western has developed an ABPP and is an active member of APLIC, as is RUS.
3.7	DOI	Cumulative impacts additional wind projects in South Dakota	Noted. The process for determining which "past and present actions" and "reasonably foreseeable activities" were included in the cumulative impacts analysis described in FEIS Chapter 5. Several new projects were added to this analysis and the cumulative impacts have been reevaluated (see FEIS Section 5.4). Those "potential" projects that were deemed "reasonably certain to occur" were included in the analysis.
3.8	DOI	Cumulative impacts and biological mitigation	Noted. Protective measures have been identified in the DEIS in Tables 2.2 and 2.3. Additionally, AWEA and USFWS are currently preparing an HCP for potential impacts to the whooping crane in the Central Flyway from wind development. This document will identify additional suitable protective measures. This document won't be available before the FEIS is published.
3.9	DOI	Cumulative impacts and information from SDPUC on wind projects as it relates to biological resource impacts	Noted. The Agencies looked at the additional projects and evaluated them based on the methodology developed for determining past, present (Section 5.2), and reasonably foreseeable actions (Section 5.3).
3.10	DOI	Contact information	Noted.
3.11	DOI	NPS review of updates to the EIS	Noted. Updated versions of the visual sections of the EIS were provided to NPS for review prior to release of the FEIS.
3.12	DOI	Visual resources	Noted.
3.13	DOI	Visual resources	Noted.
3.14	DOI	Natural resources	Noted.
3.15	DOI	Noise, wind turbine syndrome	The reference to the Kamperman and James 2008 study was noted.

South Dakota PrairieWinds DEIS Comment and Response Tracking Table

Comment Number	Commenter	Comment Category	Location of response in FEIS/or Treatment
3.16	DOI	Contact information	Noted.
3.17	DOI	References	Added references (Canadian Wildlife Service and USFWS 2007; USGS 2006; Meine and Archibald 1996) to FEIS Section 3.4.5.
3.18	DOI	Piping plover	Noted. FEIS text was added to clarify that no habitat for the species exists in the project area; therefore, no additional data is needed. Sauer et al. 2008 was reviewed and a citation was added to FEIS Section 3.4.5.
3.19	DOI	Whooping Cranes	Noted. FEIS Section 3.4.5 was updated to include recent information from the BA.
3.20	DOI	Bats roosting, breeding, foraging and migration information	Noted. Little research or public information is available regarding bats in South Dakota. An impact discussion is included in FEIS Section 4.4.3. The OMP will address the need to conduct bat mortality studies post-construction. The Ellison <i>et al.</i> 2003 reference was reviewed and added to FEIS Section 3.4.5.
3.21	DOI	Mitigation BMPS and APMs	Noted. BMPS and APMs are discussed in Table 2.2 and 2.3.
3.22	DOI	Mitigation BMPS and APMs	Noted.
3.23	DOI	Contact information	Noted.
4.1	EPA	EPA's rating on the DEIS	Noted
4.2	EPA	Introduction to EPA's comments	Noted
4.3	EPA	Surface disturbance	Noted. FEIS Table 2.4 includes the updated surface disturbance acreages
4.4	EPA	Surface disturbance associated with crane walks	Noted. FEIS Table 2.4 includes the updated surface disturbance acreages
4.5	EPA	Water quality, and a Stormwater Pollution Prevention Plan	Noted. Basin Electric would require their construction contractor to have a SWPPP in place prior to construction. Development of the Proposed Project Components would employ the included BMPs and APMs (Chapter 2, Tables 2.2 and 2.3), and would adhere to a SWPPP. See also FEIS Section 4.1.
4.6	EPA	Water quality, and a Stormwater Pollution Prevention Plan	Noted. See response 4.5.

South Dakota PrairieWinds DEIS Comment and Response Tracking Table

Comment Number	Commenter	Comment Category	Location of response in FEIS/or Treatment
4.7	EPA	Wetland impacts, wetland delineation	A wetland delineation (WEST 2009c) was completed at the Crow Lake Alternative after publication of the DEIS. FEIS Section 3.2.4 was updated and includes the referenced survey. The delineation was completed and modifications were made so that all wetlands are avoided; therefore, impacts would be less than significant.
4.8	EPA	Wetland impacts, USACE jurisdictional determination	A jurisdictional determination from the USACE is not required because all potential wetlands would be avoided. Please refer to the Water Resources APMs in FEIS Table 2.3.
4.9	EPA	Wetland impacts	Noted. Language stating wetlands would be avoided wherever possible was added to FEIS Table 2.3.
4.10	EPA	Wetland impacts	The wind facility has been designed to avoid wetlands; therefore there would be no impacts to wetlands. Refer to FEIS Table 2.3 for updated APM language.
4.11	EPA	Cumulative impacts associated with agriculture or construction, maintenance, and use of roads	Noted. The process for determining which "past and present actions" and "reasonably foreseeable activities" were included in the cumulative impacts analysis is described in FEIS Sections 5.2 and 5.3. Several new projects were added to this analysis and the cumulative impacts in FEIS Section 5.4 have been reevaluated. Those "potential" projects that were deemed "reasonably certain to occur" were included in the analysis. FEIS Table 5.1 was updated and FEIS Figure 5.2 was added to include the proposed projects that are being carried forward in the analysis.
4.12	EPA	Cumulative impacts associated with water quality and wetlands	Noted. The wetland impacts section (FEIS Section 4.2.3) has been updated and no impacts are expected. Potential impacts to water quality would be very localized and it is not anticipated that this would add to cumulative impacts. Therefore, these resources are not included in the cumulative impacts section. Refer to FEIS Section 5.4 for an updated discussion on resources that were not included in the analysis.
4.13	EPA	Additional project area, Wind Partners' proposed action	The Wind Partners' proposed development would include seven additional turbines within the Crow Lake Alternative, and a five- to six-mile underground collector line that would connect the Wind Partners' turbines to the Proposed Project's collector substation. Necessary analysis and/or identification of potential new impacts are addressed in the various sections throughout the FEIS .

South Dakota PrairieWinds DEIS Comment and Response Tracking Table

Comment Number	Commenter	Comment Category	Location of response in FEIS/or Treatment
4.14	EPA	Additional project area, Wind Partners' proposed action	See response 4.13.
4.15	EPA	Contact information	Noted.
4.16	EPA	Wetland impacts, jurisdictional and non-jurisdictional wetlands	FEIS Section 4.2.3 was updated to reflect comment.
4.17	EPA	Wetland impacts, and mitigation	FEIS Section 4.2.3 has been updated to demonstrate no wetland impacts; therefore, mitigation is not required.
4.18	EPA	Wetland impacts, NWI information	Wetlands were field verified and included on FEIS Figures 3.2-3 and 3.2-4. Additionally, wetland delineations were completed for the Crow Lake Alternative in potential impact areas and a buffer around those areas (WEST 2009c). When final engineering is complete, another wetland delineation would be completed for micro-siting to avoid wetland areas. Refer to updated FEIS Sections 3.2.4 and 4.2.3.
4.19	EPA	Water resources	Smaller scale maps have been included FEIS Section 3.2 to depict the location of the Proposed Project Components in relation to water bodies. Minimal impacts from runoff are expected due to the mild topography and low erodibility of the soils in the area.
4.20	EPA	Air quality impacts methodology to determine near-field particulate matter emissions	Noted. The majority of the area is used for rangeland and agriculture. Impacts would be restricted to short periods during construction or decommissioning at small, individual sites. Included BMPs and APMs (as listed in FEIS Chapter 2, Table 2.2 and Table 2.3) would be employed during ground disturbing activities.
4.21	EPA	Air quality APMs and BMPs	Noted. Refer to the included BMPs and APMs (as listed in FEIS Chapter 2, Table 2.2 and Table 2.3).
4.22	EPA	Air quality dust control measures	Noted. Refer to the included BMPs and APMs (as listed in FEIS Chapter 2, Table 2.2 and Table 2.3).
4.23	EPA	Air quality impacts	Noted. Refer to the included BMPs and APMs (as listed in FEIS Chapter 2, Table 2.2 and Table 2.3).
4.24	EPA	Climate change and SF ₆	Noted. At this time, the Agencies do not anticipate drafting a plan for SF ₆ Handling and Use Policy. Reference SF ₆ info on the following websites: 1) Western's at http://www.wapa.gov/CorpSrvs/envpoll.htm ; and 2) EPA at http://www.epa.gov/p2/

South Dakota PrairieWinds DEIS Comment and Response Tracking Table

Comment Number	Commenter	Comment Category	Location of response in FEIS/or Treatment
4.25	EPA	Climate change and SF ₆	Noted. Western and RUS have provided this information to Basin Electric.
4.26	EPA	Surface disturbance	See FEIS Table 2.4 and BMPs and APMs (as listed in FEIS Chapter 2, Table 2.2 and Table 2.3).
4.27	EPA	Surface disturbance associated with the Winner Alternative	The Crow Lake Alternative is located on approximately 36,000 acres, and the Winner Alternative is located on approximately 83,000 acres to accommodate for the greatest wind potential within those individual sites. Additionally, to enable the Agencies to make an informed decision on the proposed Federal actions, the current layout for the Proposed Project Components was updated from what was included in the DEIS. The FEIS has been updated to reflect this information, see Chapter 4.
4.28	EPA	Surface disturbance and post-construction noxious weed control	A post-construction noxious weed monitoring plan would be developed and surveys would be conducted for three years post-construction, with additional follow up in problem areas (FEIS Table 2.3).
4.29	EPA	Surface disturbance and a Weed Management Plan	The Applicants would prepare and implement a post-construction noxious weed monitoring plan. See also included BMPs and APMs (as listed in FEIS Chapter 2, Table 2.2 and Table 2.3).
4.30	EPA	Cumulative impacts associated with whooping crane, greater prairie chicken, and sharp-tailed grouse	FEIS Section 5.4 was updated to include language from the BA and to include an analysis for greater prairie chicken and sharp-tailed grouse.
4.31	EPA	NHPA	Noted. See FEIS Section 9.1
4.32	EPA	NHPA, summary of the Section 106 process	Noted. See FEIS Section 3.5.1.
4.33	EPA	NHPA, MOA	Noted. See FEIS Section 4.5.3.
4.34	EPA	NHPA	Noted. Tribes have been added to Table 1.1.
4.35	EPA	ESA, BA	The BA was submitted to USFWS on February 17, 2010. Additional information, including mitigation/monitoring from the BA has been included FEIS Sections 3.4.5 and 4.4.3. A copy of the BA and USFWS's acceptance letter is included as FEIS Appendix G. Information from the BO will be incorporated into each Agency's ROD.
4.36	EPA	Western's system modifications	Noted. See FEIS Chapter 2 for the current status of Western's system modifications.

South Dakota PrairieWinds DEIS Comment and Response Tracking Table

Comment Number	Commenter	Comment Category	Location of response in FEIS/or Treatment
4, Attachment 1	EPA	U.S. Environmental Protection Agency Rating System for Draft Environmental Impact Statements	Noted.
5.1	NPS	Factual correction	Corrected throughout FEIS visual resource sections 3.8 and 4.8.
5.2	NPS	Consider visual impacts on all parts of trail and auto route	Additional analysis included in FEIS Section 4.8 (Visual Resources, Impact Analysis sections).
5.3	NPS	Cumulative visual impacts should consider all existing and reasonably foreseeable impacts along the Trail	Additional analysis included in FEIS Section 5.4.5.
5.4	NPS	Request information on computer methods used for visual simulations	Additional methods information included in FEIS Section 4.8.1.
5.5	NPS	Contact information	Noted.
State Agencies			
6.1	DENR- Hicks	Department does not anticipate adverse impacts to ground water quality	Noted.
6.2	DENR- Hicks	Portions of Winner are class "A"	Noted.
6.3	DENR- Hicks	A list of petroleum and chemical releases is provided with letter	Noted.
6.4	DENR- Hicks	Provided website for further research	Noted.
6.5	DENR- Hicks	Contact for reporting contamination	Noted.
6.6	DENR- Hicks	Input on methods for addressing contaminations	Noted.
6.7	DENR- Hicks	Contact information	Noted.
6, Attachment 1	DENR- Hicks	List of petroleum and chemical releases	Noted.
7.1	DENR- Miller	No drinking water objections	Noted.
7.2	DENR- Miller	Notify rural water provider of activities	Noted.
7.3	DENR- Miller	No air quality objections	Noted.
7.4	DENR- Miller	Surface Water Discharge permit required if dewatering	Noted.
7.5	DENR- Miller	Erosion and sediment control	Noted.
7.6	DENR- Miller	Surface water body protection	Noted.

South Dakota PrairieWinds DEIS Comment and Response Tracking Table

Comment Number	Commenter	Comment Category	Location of response in FEIS/or Treatment
7.7	DENR- Miller	Contact information	Noted.
7.8	DENR- Miller	Contact information	Noted.
7.9	DENR- Miller	Waste management does not anticipate impacts	Noted.
7.10	DENR- Miller	Contact information	Noted.
7.11	DENR- Miller	Contact information	Noted.
8.1	SDGFP	Biological	Noted.
8.2	SDGFP	Biological - typographical correction	Corrected.
8.3	SDGFP	Biological - editorial correction	Corrected.
8.4	SDGFP	Biological - editorial correction	Corrected.
8.5	SDGFP	Biological - additional data	FEIS Figure 3.4-2 was updated to include the most recent observations.
8.6	SDGFP	Biological - additional data	FEIS Figure 3.4-4 was updated to include the most recent observations.
8.7	SDGFP	Biological - wildlife habitat	See FEIS Section 3.4.
8.8	SDGFP	Biological - typographical correction	FEIS Appendix C, Table C-1 updated.
8.9	SDGFP	Biological - wildlife occurrence	Verified misidentification and FEIS Appendix C, Table C-1 updated (removed spring peeper).
8.10	SDGFP	Biological - typographical correction	FEIS Appendix C, Table C-1 updated.
8.11	SDGFP	Biological - typographical correction	FEIS Appendix C, Table C-1 updated.
8.12	SDGFP	Biological - typographical correction	FEIS Appendix C, Table C-1 updated.
8.13	SDGFP	Biological	Noted. Horned larks would be one of the avian species monitored during post-construction monitoring.
8.14	SDGFP	Biological	Noted. Upland sandpipers, chestnut-collared longspurs, and grasshopper sparrows would be monitored during post-construction monitoring.
8.15	SDGFP	Biological - wildlife occurrence	FEIS Section 3.4 was updated to include supplemental occurrence data.
8.16	SDGFP	Biological - factual clarification	FEIS Section 3.4 updated to clarify amount of intact grasslands in the site alternative areas.
8.17	SDGFP	Biological - additional data	FEIS Section 3.4 updated to include additional known breeding areas.
8.18	SDGFP	Biological - reporting	Noted. Any nests found during pre- or post-construction monitoring would be reported to the SDGFP.
8.19	SDGFP	Biological	Noted
8.20	SDGFP	Biological - Wildlife Occurrence	FEIS Section 3.4 was updated to include supplemental occurrence data.

South Dakota PrairieWinds DEIS Comment and Response Tracking Table

Comment Number	Commenter	Comment Category	Location of response in FEIS/or Treatment
8.21	SDGFP	Biological - Reference Update	FEIS Section 3.4 was updated to include data from the SD Breeding Bird Atlas and a citation was added (Peterson 1995).
8.22	SDGFP	Biological - factual correction	Corrected.
8.23	SDGFP	Biological	Noted.
8.24	SDGFP	Biological - Impact Significance	Noted. A significance criterion for impacts to native prairie was not included because grassland impacts are small compared to the existing grassland habitat within the Alternatives. Impacts to these habitats are discussed in FEIS Section 4.4.3.
8.25	SDGFP	Biological - Mitigation	Plans to mitigate significant impacts are included in FEIS Tables 2.2 and 2.3.
8.26	SDGFP	Biological - Significance Criteria	Factors considered for assessing potential impacts on population viability include: 1) habitat connectivity; 2) spatial distribution of habitat; 3) reproductive rates; 4) environmental conditions that may reduce carrying capacity or increase variance in the growth rates of populations; and 5) maintenance of genetic variability.
8.27	SDGFP	Biological - Significance Criteria	See FEIS Section 4.4.2.
8.28	SDGFP	Biological - Significance Criteria	See FEIS Section 4.4.2.
8.29	SDGFP	Biological - factual correction	FEIS Section 4.4.3 was updated to include the percentage of cropland in the site alternative areas. Turbines, roads, and infrastructure would be placed in cropland as much as feasible.
8.30	SDGFP	Biological - Impact Significance	FEIS Section 4.4.3 was updated to demonstrate potential avoidance impacts during operations.
8.31	SDGFP	Biological - factual correction	FEIS Section 4.4.3 was updated and the statement was stricken.
8.32	SDGFP	Biological - Impact Significance	Noted. Please refer to the discussion of indirect impacts in Section 4.4.3.
8.33	SDGFP	Biological - Impact Significance	FEIS Section 4.4.3 was updated to reflect comment.
8.34	SDGFP	Biological - Impact Significance	FEIS Section 4.4.3 was updated to reflect comment.
8.35	SDGFP	Biological - Impact Significance	Noted. FEIS Section 4.4.3 states that no wetland shrub habitats would be disturbed.
8.36	SDGFP	Biological - Impact Significance	Noted. Added the Kunz <i>et al.</i> 2007 reference in FEIS Section 4.4.3.
8.37	SDGFP	Biological - factual correction	Noted. FEIS Section 4.4.3 has been updated to reflect comment.

South Dakota PrairieWinds DEIS Comment and Response Tracking Table

Comment Number	Commenter	Comment Category	Location of response in FEIS/or Treatment
8.38	SDGFP	Biological - Bat Surveys	Bat surveys were conducted from May 27 through October 15, 2009, and targeted the fall migration. Most bat mortalities have been shown to occur during the fall migration season (roughly August and September). The study was designed to capture the most relevant data possible.
8.39	SDGFP	Biological - Northern Leopard Frog	Noted.
8.40	SDGFP	Biological - Post-construction monitoring	Noted. Post-construction monitoring reports would be provided to SDGFP.
8.41	SDGFP	Biological - Post-construction monitoring	Yes, bat mortality monitoring is proposed for three years post-construction.
8.42	SDGFP	Biological	Noted. We received SDGFP's comments and provided the final grouse study plan to SDGFP on March 24, 2010.
8.43	SDGFP	Contact information	Noted.
Native American Tribes			
9.1	Dianne Desrosiers / Sisseton Wahpeton Oyate	Cultural Resource section 5.4.3	Noted. When the Metcalf inventory report became available, it was provided to the Tribes.
9.2	Dianne Desrosiers / Sisseton Wahpeton Oyate	Cultural Resource section 5.4.3 and ability to provide comments on information in the DEIS	Noted. See response 9.1
9.3	Dianne Desrosiers / Sisseton Wahpeton Oyate	Lack of archaeology information	Noted. At the time the DEIS was published, the only finalized data was the Class I information that was presented in the DEIS. The Metcalf report has since been submitted to the Tribes for review and the results of the inventory were incorporated into FEIS Section 4.5.3.
9.4	Dianne Desrosiers / Sisseton Wahpeton Oyate	Class III and TCP studies	Noted. The Metcalf inventory report and the TCP survey report have been submitted to the Tribes for review and comment.
9.5	Dianne Desrosiers / Sisseton Wahpeton Oyate	Section 106 process	Noted. Meetings have been requested.
9.6	Dianne Desrosiers / Sisseton Wahpeton Oyate	Section 106 process and NEPA process	Noted. Western correspondence from N. J. Stas to the Tribes dated 052209 stated that Western plans to coordinate the requirements of NEPA and Section 106, and the FEIS will document both processes.
9.7	Dianne Desrosiers / Sisseton Wahpeton Oyate	Measures to avoid, minimize or mitigate	Noted.

South Dakota PrairieWinds DEIS Comment and Response Tracking Table

Comment Number	Commenter	Comment Category	Location of response in FEIS/or Treatment
9.8	Dianne Desrosiers / Sisseton Wahpeton Oyate	Consultation with Tribes	Noted. Western has requested and held meetings with the Tribes to discuss effects of the project on historic properties on June 24, August 5, and September 29, 2009; and March 30 and 31, and May 10, 2010.
9.9	Dianne Desrosiers / Sisseton Wahpeton Oyate	MOA and PA	Noted. A draft agreement document has since been presented to the Tribes and is currently being developed.
9.10	Dianne Desrosiers / Sisseton Wahpeton Oyate	Sisseton Wahpeton Oyate requests to be a consulting party	Noted.
9.11	Dianne Desrosiers / Sisseton Wahpeton Oyate	Programmatic agreement, Section 106 process, NEPA process and timeline	Noted. Since the release of the DEIS the Tribes have received copies of the Metcalf report, TCP survey report, draft agreement document for review and comment.
9.12	Dianne Desrosiers / Sisseton Wahpeton Oyate	Request for comment period extension	Noted.
9.13	Dianne Desrosiers / Sisseton Wahpeton Oyate	Response timing	Noted.
9.14	Dianne Desrosiers / Sisseton Wahpeton Oyate	Contact information	Noted.
10.1	Dianne Desrosiers / Sisseton Wahpeton Oyate	Section 106 process and NEPA process	Noted.
10.2	Dianne Desrosiers / Sisseton Wahpeton Oyate	Meetings for the Section 106 process and NEPA process	Noted. See response 9.6.
10.3	Dianne Desrosiers / Sisseton Wahpeton Oyate	Class III consultation meeting	Noted. See response 9.8.
10.4	Dianne Desrosiers / Sisseton Wahpeton Oyate	Mitigation BMPS and APMS	Noted.
10.5	Dianne Desrosiers / Sisseton Wahpeton Oyate	Mitigation BMPS and APMS	Noted.
10.6	Dianne Desrosiers / Sisseton Wahpeton Oyate	Western and RUS Section 106 policies	Noted.
10.7	Dianne Desrosiers / Sisseton Wahpeton Oyate	Government to government consultation	Noted.

South Dakota PrairieWinds DEIS Comment and Response Tracking Table

Comment Number	Commenter	Comment Category	Location of response in FEIS/or Treatment
10.8	Dianne Destrosiers / Sisseton Wahpeton Oyate	Government to government consultation	Noted. Text has been changed in the FEIS; however, correspondence was sent to Tribal Chairpersons as well as THPOs and interested parties requesting Government-to-Government meetings to discuss potential cultural resource issues.
10.9	Dianne Destrosiers / Sisseton Wahpeton Oyate	Section 106 process, Tribal governments and THPOs	Noted.
10.10	Dianne Destrosiers / Sisseton Wahpeton Oyate	Cultural Resource section 5.4.3	Noted. See response 9.1.
10.11	Dianne Destrosiers / Sisseton Wahpeton Oyate	Cultural Resource section 5.4.3 and ability to provide comments on information in the DEIS	Noted. See response 9.2.
10.12	Dianne Destrosiers / Sisseton Wahpeton Oyate	Lack of archaeology information	Noted. See response 9.3.
10.13	Dianne Destrosiers / Sisseton Wahpeton Oyate	Class III and TCP studies	Noted. See response 9.4.
10.14	Dianne Destrosiers / Sisseton Wahpeton Oyate	Section 106 process	Noted. See response 9.5.
10.15	Dianne Destrosiers / Sisseton Wahpeton Oyate	Section 106 process and NEPA process	Noted. See response 9.6.
10.16	Dianne Destrosiers / Sisseton Wahpeton Oyate	Measures to avoid, minimize or mitigate	Noted.
10.17	Dianne Destrosiers / Sisseton Wahpeton Oyate	Consultation with Tribes	Noted. See response 9.8.
10.18	Dianne Destrosiers / Sisseton Wahpeton Oyate	MOA	Noted. See response 9.9.
10.19	Dianne Destrosiers / Sisseton Wahpeton Oyate	Section 106 process and NEPA process	Noted.
10.20	Dianne Destrosiers / Sisseton Wahpeton Oyate	Request for comment period extension	Noted. Western and RUS determined that there was no significant reason to extend the comment period.
10.21	Dianne Destrosiers / Sisseton Wahpeton Oyate	Section 106 compliance with MOA and PA	Noted. See response 9.9.

South Dakota PrairieWinds DEIS Comment and Response Tracking Table

Comment Number	Commenter	Comment Category	Location of response in FEIS/or Treatment
10.22	Dianne Destrosiers / Sisseton Wahpeton Oyate	Class III study	Noted. See response 9.3.
10.23	Dianne Destrosiers / Sisseton Wahpeton Oyate	Archaeological study	Noted. See response 9.3.
10.24	Dianne Destrosiers / Sisseton Wahpeton Oyate	Proposed Project timeline	Noted.
10.25	Dianne Destrosiers / Sisseton Wahpeton Oyate	MOA	Noted. See response 9.9.
10.26	Dianne Destrosiers / Sisseton Wahpeton Oyate	Measures to avoid, minimize or mitigate	Noted.
10.27	Dianne Destrosiers / Sisseton Wahpeton Oyate	Metcalif Class III report and TCP report	Noted. See response 9.4.
10.28	Dianne Destrosiers / Sisseton Wahpeton Oyate	Review of the EIS and measures to avoid, minimize or mitigate	Noted.
10.29	Dianne Destrosiers / Sisseton Wahpeton Oyate	Comment period for the DEIS	Noted.
10.30	Dianne Destrosiers / Sisseton Wahpeton Oyate	36 CFR 800.8	Noted.
10.31	Dianne Destrosiers / Sisseton Wahpeton Oyate	Contact information	Noted.
11.1	Gravatt / Yankton Sioux Tribe	Section 106 consultation	Noted. See response 9.5.
12.1	Jones / Santee Sioux Tribe	General comment	Noted.
12.2	Jones / Santee Sioux Tribe	Notification	Noted.
12.3	Jones / Santee Sioux Tribe	NEPA and Section 106 consultation	Noted.
13.1	Mentz/ Standing Rock Sioux Tribe	Consultation process for the Class III and TCP studies	Noted. See response 9.11.
13.2	Mentz/ Standing Rock Sioux Tribe	Title of the Class III study	Noted. PrairieWinds SD1: A Cultural Resource Inventory of a Wind Energy Project In Aurora, Brule, and Jeruld Counties, South Dakota. Stine <i>et al.</i> (2010)
13.3	Mentz/ Standing Rock Sioux Tribe	Section 106 consultation with SHPO and THPOs	Noted. See response 9.8.

South Dakota PrairieWinds DEIS Comment and Response Tracking Table

Comment Number	Commenter	Comment Category	Location of response in FEIS/or Treatment
13.4	Mentz/ Standing Rock Sioux Tribe	MOA	Noted. See response 9.9.
13.5	Mentz/ Standing Rock Sioux Tribe	Section 106 schedule	Noted. See response 9.8
14.1	Russell Bear Eagle/ Rosebud Sioux Tribe	Section 106 process and NEPA process	Noted. See response 9.3.
14.2	Russell Bear Eagle/ Rosebud Sioux Tribe	Review of the EIS and measures to avoid, minimize or mitigate	Noted.
14.3	Russell Bear Eagle/ Rosebud Sioux Tribe	Western and RUS policies for the Section 106 process and NEPA process	Noted. See response 9.8.
14.4	Russell Bear Eagle/ Rosebud Sioux Tribe	Section 106 process and NEPA process	Noted.
14.5	Russell Bear Eagle/ Rosebud Sioux Tribe	Section 106 process, Tribal governments and THPOs	Noted. See response 10.8.
14.6	Russell Bear Eagle/ Rosebud Sioux Tribe	MOA	Noted. See response 9.9.
14.7	Russell Bear Eagle/ Rosebud Sioux Tribe	Cultural Resource section 5.4.3	Noted. See response 9.1.
14.8	Russell Bear Eagle/ Rosebud Sioux Tribe	Cultural Resource section 5.4.3 and ability to provide comments on information in the DEIS	Noted. See response 9.2
14.9	Russell Bear Eagle/ Rosebud Sioux Tribe	Lack of archaeology information	Noted. See response 9.3
14.10	Russell Bear Eagle/ Rosebud Sioux Tribe	Class III and TCP studies	Noted. See response 9.4
14.11	Russell Bear Eagle/ Rosebud Sioux Tribe	Section 106 process	Noted. See response 9.5
14.12	Russell Bear Eagle/ Rosebud Sioux Tribe	Section 106 process and NEPA process	Noted. See response 9.6
14.13	Russell Bear Eagle/ Rosebud Sioux Tribe	Measures to avoid, minimize or mitigate	Noted.

South Dakota PrairieWinds DEIS Comment and Response Tracking Table

Comment Number	Commenter	Comment Category	Location of response in FEIS/or Treatment
14.14	Russell Bear Eagle/ Rosebud Sioux Tribe	Consultation with Tribes	Noted. See response 9.8
14.15	Russell Bear Eagle/ Rosebud Sioux Tribe	MOA	Noted. See response 9.9.
14.16	Russell Bear Eagle/ Rosebud Sioux Tribe	Section 106 process and NEPA process	Noted. See response 9.4
14.17	Russell Bear Eagle/ Rosebud Sioux Tribe	Request for comment period extension	Noted.
14.18	Russell Bear Eagle/ Rosebud Sioux Tribe	Section 106 compliance with MOA and PA	Noted. See response 9.9.
14.19	Russell Bear Eagle/ Rosebud Sioux Tribe	Class III study	Noted. See response 9.3.
14.20	Russell Bear Eagle/ Rosebud Sioux Tribe	Archaeological study	Noted. See response 9.3.
14.21	Russell Bear Eagle/ Rosebud Sioux Tribe	Proposed Project timeline	Noted.
14.22	Russell Bear Eagle/ Rosebud Sioux Tribe	MOA	Noted. See response 9.9.
14.23	Russell Bear Eagle/ Rosebud Sioux Tribe	Measures to avoid, minimize or mitigate	Noted.
14.24	Russell Bear Eagle/ Rosebud Sioux Tribe	Metcalf Class III report and TCP report	Noted. See response 9.4.
14.25	Russell Bear Eagle/ Rosebud Sioux Tribe	Review of the EIS and measures to avoid, minimize or mitigate	Noted.
14.26	Russell Bear Eagle/ Rosebud Sioux Tribe	36 CFR 800.8	Noted.
14.27	Russell Bear Eagle/ Rosebud Sioux Tribe	Contact information	Noted.
15.1	Waste' Win Young/ Standing Rock Sioux Tribe	Section 106 process and NEPA process	Noted. See response 9.3
15.2	Waste' Win Young/ Standing Rock Sioux Tribe	Meetings for the Section 106 process and NEPA process	Noted. See response 9.8

South Dakota PrairieWinds DEIS Comment and Response Tracking Table

Comment Number	Commenter	Comment Category	Location of response in FEIS/or Treatment
15.3	Waste' Win Young/ Standing Rock Sioux Tribe	Class III consultation meeting	Noted. See response 9.8
15.4	Waste' Win Young/ Standing Rock Sioux Tribe	Mitigation BMPS and APMs	Noted.
15.5	Waste' Win Young/ Standing Rock Sioux Tribe	Mitigation BMPS and APMs	Noted.
15.6	Waste' Win Young/ Standing Rock Sioux Tribe	Western and RUS Section 106 policies	Noted.
15.7	Waste' Win Young/ Standing Rock Sioux Tribe	Government to government consultation	Noted.
15.8	Waste' Win Young/ Standing Rock Sioux Tribe	Government to government consultation	Noted. See response 10.8
15.9	Waste' Win Young/ Standing Rock Sioux Tribe	Section 106 process, Tribal governments and THPOs	Noted.
15.10	Waste' Win Young/ Standing Rock Sioux Tribe	Cultural Resource section 5.4.3	Noted. See response 9.1.
15.11	Waste' Win Young/ Standing Rock Sioux Tribe	Cultural Resource section 5.4.3 and ability to provide comments on information in the DEIS	Noted. See response 9.2.
15.12	Waste' Win Young/ Standing Rock Sioux Tribe	Lack of archaeology information	Noted. See response 9.3.
15.13	Waste' Win Young/ Standing Rock Sioux Tribe	Class III and TCP studies	Noted. See response 9.4.
15.14	Waste' Win Young/ Standing Rock Sioux Tribe	Section 106 process	Noted. See response 9.5.
15.15	Waste' Win Young/ Standing Rock Sioux Tribe	Section 106 process and NEPA process	Noted. See response 9.3.
15.16	Waste' Win Young/ Standing Rock Sioux Tribe	Measures to avoid, minimize or mitigate	Noted.
15.17	Waste' Win Young/ Standing Rock Sioux Tribe	Consultation with Tribes	Noted. See response 9.8.
15.18	Waste' Win Young/ Standing Rock Sioux Tribe	MOA	Noted. See response 9.9.

South Dakota PrairieWinds DEIS Comment and Response Tracking Table

Comment Number	Commenter	Comment Category	Location of response in FEIS/or Treatment
15.19	Waste' Win Young/ Standing Rock Sioux Tribe	Section 106 process and NEPA process	Noted. See response 9.3.
15.20	Waste' Win Young/ Standing Rock Sioux Tribe	Request for comment period extension	Noted.
15.21	Waste' Win Young/ Standing Rock Sioux Tribe	Section 106 compliance with MOA and PA	Noted. See response 9.9.
15.22	Waste' Win Young/ Standing Rock Sioux Tribe	Class III study	Noted. See response 9.3.
15.23	Waste' Win Young/ Standing Rock Sioux Tribe	Archaeological study	Noted. See response 9.3.
15.24	Waste' Win Young/ Standing Rock Sioux Tribe	Proposed Project timeline	Noted.
15.25	Waste' Win Young/ Standing Rock Sioux Tribe	MOA	Noted. See response 9.9.
15.26	Waste' Win Young/ Standing Rock Sioux Tribe	Measures to avoid, minimize or mitigate	Noted.
15.27	Waste' Win Young/ Standing Rock Sioux Tribe	Metcalf Class III report and TCP report	Noted. See response 9.4.
15.28	Waste' Win Young/ Standing Rock Sioux Tribe	Review of the EIS and measures to avoid, minimize or mitigate	Noted.
15.29	Waste' Win Young/ Standing Rock Sioux Tribe	Comment period for the DEIS	Noted.
15.30	Waste' Win Young/ Standing Rock Sioux Tribe	36 CFR 800.8	Noted.
15.31	Waste' Win Young/ Standing Rock Sioux Tribe	Contact information	Noted.
16.1	Waste' Win Young/ Standing Rock Sioux Tribe	Section 106 process and NEPA process	Noted. See response 9.3.
16.2	Waste' Win Young/ Standing Rock Sioux Tribe	Meetings for the Section 106 process and NEPA process	Noted. See response 9.8.
16.3	Waste' Win Young/ Standing Rock Sioux Tribe	Class III consultation meeting	Noted. See response 9.8.

South Dakota PrairieWinds DEIS Comment and Response Tracking Table

Comment Number	Commenter	Comment Category	Location of response in FEIS/or Treatment
16.4	Waste' Win Young/ Standing Rock Sioux Tribe	Mitigation BMPS and APMS	Noted.
16.5	Waste' Win Young/ Standing Rock Sioux Tribe	Mitigation BMPS and APMS	Noted.
16.6	Waste' Win Young/ Standing Rock Sioux Tribe	Western and RUS Section 106 policies	Noted.
16.7	Waste' Win Young/ Standing Rock Sioux Tribe	Government to government consultation	Noted.
16.8	Waste' Win Young/ Standing Rock Sioux Tribe	Government to government consultation	Noted. See response 10.8.
16.9	Waste' Win Young/ Standing Rock Sioux Tribe	Section 106 process, Tribal governments and THPOs	Noted.
16.10	Waste' Win Young/ Standing Rock Sioux Tribe	Cultural Resource section 5.4.3	Noted. See response 9.1.
16.11	Waste' Win Young/ Standing Rock Sioux Tribe	Cultural Resource section 5.4.3 and ability to provide comments on information in the DEIS	Noted. See response 9.2.
16.12	Waste' Win Young/ Standing Rock Sioux Tribe	Lack of archaeology information	Noted. See response 9.3.
16.13	Waste' Win Young/ Standing Rock Sioux Tribe	Class III and TCP studies	Noted. See response 9.4.
16.14	Waste' Win Young/ Standing Rock Sioux Tribe	Section 106 process	Noted. See response 9.5.
16.15	Waste' Win Young/ Standing Rock Sioux Tribe	Section 106 process and NEPA process	Noted. See response 9.6.
16.16	Waste' Win Young/ Standing Rock Sioux Tribe	Measures to avoid, minimize or mitigate	Noted.
16.17	Waste' Win Young/ Standing Rock Sioux Tribe	Consultation with Tribes	Noted. See response 9.8.
16.18	Waste' Win Young/ Standing Rock Sioux Tribe	MOA	Noted. See response 9.9.
16.19	Waste' Win Young/ Standing Rock Sioux Tribe	Section 106 process and NEPA process	Noted.

South Dakota PrairieWinds DEIS Comment and Response Tracking Table

Comment Number	Commenter	Comment Category	Location of response in FEIS/or Treatment
16.20	Waste' Win Young/ Standing Rock Sioux Tribe	Request for comment period extension	Noted.
17.1	Youpee Young Eagle	Demallie territory	Noted. Additional text added to FEIS.
17.2	Youpee Young Eagle	Cultural history	Noted.
17.3	Youpee Young Eagle	Clarification of term "nomadic"	Noted.
17.4	Youpee Young Eagle	Need for federal responsibility - Utilization of traditional knowledge	Noted.
17.5	Youpee Young Eagle	Training of construction workers	Noted. Compliance with Western BMPs would ensure construction workers would be trained.
17.6	Youpee Young Eagle	Winner Alternative TCP record search	Noted. If the Winner Alternative is selected a Class III pedestrian survey and a TCP survey would be conducted in compliance with Section 106 of the NHPA.
17.7	Youpee Young Eagle	Native Plant study	Noted.
17.8	Youpee Young Eagle	Noise Codes for SD wind projects	Noted. Refer back to the APMs for noise resources in FEIS Table 2.3.
17.9	Youpee Young Eagle	Drifting Goose & Crow Creek Sioux - Env Justice Section	Noted. Refer to FEIS Section 3.11.1 where the Crow Creek Reservation and it's proximity and ties to the Crow Lake Alternative area are stated.
17.10	Youpee Young Eagle	Eagle-Roosting Sites	Noted. Refer to FEIS Sections 3.4.5 and 4.4.3 for the updated bald eagle roosting information within the Crow Lake Alternative.
17.11	Youpee Young Eagle	Section 106 compliance with MOA and PA	Noted. See response 9.9.
17.12	Youpee Young Eagle	Measures to avoid, minimize or mitigate	Noted.
17.13	Youpee Young Eagle	TCPs that may extend outside project boundary	Noted.
17.14	Youpee Young Eagle	Habitat/temporary camp sites not significant for excavation but for ethnographic purposes	Noted.
17.15	Youpee Young Eagle	Time constraints does not allow for meaningful project consultation	Noted.
17.16	Youpee Young Eagle	Collaborative comments	Noted.
Local			

South Dakota PrairieWinds DEIS Comment and Response Tracking Table

Comment Number	Commenter	Comment Category	Location of response in FEIS/or Treatment
18.1	Kimball Area Chamber of Commerce-Price	Out of Scope: Chamber does not support HB 1060	Noted.
18.2	Kimball Area Chamber of Commerce-Price	Out of Scope: Request support to vote down HB 1060	Noted.
Hearing			
19.1	Weidner, Fred	Proposed Project support	Noted.
19.2	Weidner, Fred	Winner Alternative preference	Noted.
19.3	Weidner, Fred	Winner Alternative contains more grassland and less farming compared to other areas	Noted.
19.4	Weidner, Fred	Winner Alternative is in an area of warmer weather and allows more weeks of turbine operation	Noted.
20.1	Keierleber, Joel	Request wind data be made public	Request for information provided to the Applicants.
21.1	West, Nathan	Crow Lake Alternative support	Noted.
Public			
22.1	Assman, Dennis	Prefer electronic communication	Noted.
22.2	Assman, Dennis	Proposed Project support	Noted.
22.3	Assman, Dennis	Request wind data be made public	Request for information provided to the Applicants.
23.1	Clifford, Rose	Out of scope: "clean up" Montana	Noted.
23.2	Clifford, Rose	Out of scope: Promote and exhibit farming and ranching	Noted.
23.3	Clifford, Rose	Out of scope: Lifestyle changes should be fostered and promoted	Noted.
23.4	Clifford, Rose	Out of scope: Focus on refurb of existing transportation corridors and attract tourism	Noted.
23.5	Clifford, Rose	Comment format	Noted.
24.1	Gillen, Debra	Keep informed	Noted.
24.2	Gillen, Debra	Prefer electronic communication	Noted.
24.3	Gillen, Debra	Proposed Project support	Noted.
24.4	Gillen, Debra	List of community offerings	Noted.

South Dakota PrairieWinds DEIS Comment and Response Tracking Table

Comment Number	Commenter	Comment Category	Location of response in FEIS/or Treatment
25.1	Gray, Michael	Out of scope: Regional transmission system	Noted. The project as proposed is to build a wind-powered electric generation facility in central South Dakota; as such, this comment is beyond the scope of this EIS.
25.2	Gray, Michael	EIS request	FEIS will be provided when complete.
25.3	Gray, Michael	Work together in the future	Noted.
26.1	Higher, Phil	Keep informed	Noted.
26.2	Higher, Phil	Prefer electronic communication	Noted.
27.1	Hotchkiss, Harold	Out of scope: Septic/port-o-potties	Noted.
28.1	Keierleber, Joel	Thanks for opportunity to comment	Noted.
28.2	Keierleber, Joel	Proposed Project support	Noted.
28.3	Keierleber, Joel	Winner Alternative preference	Noted.
28.4	Keierleber, Joel	Request wind data be made public	Request for information provided to the Applicants.
28.5	Keierleber, Joel	Request environmental data be made public	FEIS will be provided when complete.
29.1	LaRive, Chris	Prefer electronic communication	Noted.
30.1	Lefu, Fabian	Out of Scope: Investment opportunity	Noted.
31.1	Turnquist, Roger	Out of Scope: Gravel for on-site turbine location	Noted.
31, Attachment 1	Turnquist, Roger	Property location (Figure)	Noted.
32.1	West, Nathan	Keep informed	Noted.
32.2	West, Nathan	Prefer paper mailings	Noted.
32.3	West, Nathan	Support for Project	Noted.
Comment Received after March 18, 2010			
33.1	South Dakota Office of Local Transportation Programs	Requirements for structures over 200' above ground level to file with FAA and South Dakota Office of Local	Noted.
33.2	South Dakota Office of Local Transportation Programs	Forward email to anyone proposing wind farm in South Dakota	Noted.

**COMPILATION OF:
DRAFT ENVIRONMENTAL IMPACT STATEMENT COMMENTS
RECEIVED AS OF MARCH 18, 2010**

**South Dakota PrairieWinds Project
Environmental Impact Statement**

March 18, 2010

**South Dakota PrairieWinds Project
Draft Environmental Impact Statement
Comment Package
March 18, 2010**

This document contains a compilation of comments received on the South Dakota PrairieWinds Project Draft Environmental Impact Statement (DOE/EIS-0418) (DEIS). The initial DEIS distribution and Notice of Availability occurred January 15, 2010. The comment period officially closed March 1, 2010. A public hearing was held at the Cozard Memorial Library in Chamberlain, South Dakota, on February 11, 2010. Comments received subsequent to the close of the comment period and distribution of this comment package will be incorporated into the Final EIS as long as they are received in sufficient time to address the concerns prior to the release of the Final EIS.

Summary of comments received and order of attachments:

- Cooperating Agency Comments
 - 1 comment letter was received from the Cooperating Agency
- Federal Agency Comments
 - 4 comment letters were received from Federal Agencies
- State of South Dakota a Agency Comments
 - 3 comment letters were received from State of South Dakota agencies
- Native American Tribes
 - 9 comment letters were received from Native American Tribes
- Local Agencies
 - 1 comment letter was received from Local Agencies
- Public Comments
 - 3 members of the public provided comments that were recorded by the court reporter at the public hearing
 - 11 additional written comment letters were received via fax, mail, or email

South Dakota PrairieWinds Project Draft Environmental Impact Statement

Cooperating Agency Comments

U.S. Fish and Wildlife Service



United States Department of the Interior



FISH AND WILDLIFE SERVICE Mountain-Prairie Region

IN REPLY REFER TO:
FWS/R6/ES
ER10/57

MAILING ADDRESS:
P.O. Box 25486, DFC
Denver, Colorado 80225-0486

STREET LOCATION:
134 Union Boulevard
Lakewood, Colorado 80228-1807

MAR 18 2010

Comment Reference
Document 1

Ms. Liana Reilly
Western Area Power Administration
P.O. Box 281123
Lakewood, Colorado 80228-8213

Dear Ms. Reilly:

The U.S. Fish and Wildlife Service (Service) has reviewed the Draft Environmental Impact Statement (DEIS) for the proposed Prairie Winds Project, a 151.5-megawatt windpower energy generating facility in Aurora, Brule, Jerauld, and Tripp Counties, South Dakota. We offer our detailed comments on the DEIS below. This letter follows the Service's preliminary comments that were included in the Department of the Interior's letter to you (March 4, 2010), and our scoping comments to you dated May 13, 2009.

The Service recognizes the importance of the development and transmission of renewable energy resources to the Nation's economy, independence, and the environment, and seeks to ensure such resources are developed consistent with existing national laws for wildlife protection. The proposed project lies within an area significant to our natural heritage as it lies near the Prairie Pothole waterfowl breeding area. Two components of the National Wildlife Refuge System (Lake Andes National Wildlife Refuge and Huron Wetland Management District) administer conservation easements within the project area. The Service also works with agencies and other partners to conserve wetlands, migratory birds, and federally listed threatened and endangered wildlife, and to administer environmental laws.

These comments are submitted under the authorities of the Migratory Bird Treaty Act (MBTA) (16 U.S.C. 703 et seq.), the Bald and Golden Eagle Protection Act (BGEPA) (16 U.S.C. 668-668d), the Endangered Species Act (ESA) (16 U.S.C. 1531 et. seq.), the National Wildlife Refuge System Improvement Act of 1997 (Public Law 105-57), and the National Environmental Policy Act (NEPA) (Pub. L. 91-190, 42 U.S.C. 4321-4347, January 1, 1970, et. seq.).

GENERAL COMMENTS

- 1.1 → The Service appreciates the effort undertaken to develop the DEIS. We are concerned, however, that several areas of the DEIS incorrectly interpret and apply Federal wildlife laws. In addition, in several areas the rationale used to support analysis and DEIS determinations relies on protocols and an avian and bat protection plan which have not been developed, or to our knowledge initiated. Without the protocol and plan, the project description is incomplete. The
- 1.2 →
- 1.3 →

1.3 continued

1.4

absence of the draft protocols and plan hindered our review of the document, and our concurrence with conclusions set forth. Our comments offer revisions for the DEIS text. We also recommend that protocols and plans referenced in the DEIS be completed and distributed for review before the EIS is finalized.

Regulatory Framework

1.5 → We recommend that descriptions of the Federal wildlife statutes and regulations (i.e., the ESA, MBTA, BGEPA, and Executive Order 13186) in the DEIS be revised to better convey their key intents and purposes. →

1.6 → The interpretation of project effects in relation to the laws also should be corrected.

For example, one potential impact of the project would be direct avian mortality as a result of bird collisions with the turbines (e.g., pages 165, 170). As you know (and as stated on page 69 of the DEIS), the MBTA prohibits such take of bird species protected by this law. The MBTA is a strict liability statute wherein proof of intent is not an element of a “taking” violation. Yet, in the sections of the DEIS where project effects are discussed, the document contains contrary statements that the MBTA will not be violated (i.e., “The Proposed Project and proposed Federal actions would not violate Federal or State wildlife conservation policy.” page XVIII).

1.7 → Elsewhere, the DEIS states that the proposed project “...would not result in take of a protected species beyond that authorized by permit” (e.g., Page XIX, under *State and Federal Species of Concern*). However, a permit for take cannot be obtained for migratory birds protected by MBTA. Under the MBTA, actions that result in take or possession of a protected migratory species can result in threat of violation. We also found confusing interpretations of the ESA and BGEPA in the DEIS.

1.8 → In our Specific Comments below, the Service provides text to incorporate in the “Regulatory Framework” section (page 69) of the DEIS to clarify the wildlife laws and policies applicable to the project. We recommend that the substance of these laws and policies be carried forward to the analysis of project effects in Environmental Consequences (Chapter 4). →

1.9 → We also recommend that the Western Area Power Administration (WAPA) and the Rural Utilities Service consult with the Service to ensure that all conclusions in the DEIS are accurate and consistent with applicable wildlife laws.

During advanced project planning, the Service would like to collaborate with WAPA and Rural Utilities Service to identify opportunities to improve wildlife resources of the project area, in accord with the Executive Order 13186, and the 2006 Memorandum of Understanding between the Service and Department of Energy implementing the Order.

Proposed Action – (Best Management Practices and Applicant’s Proposed Measures)

The DEIS (Chapter 2) describes Best Management Practices (BMPs) (Table 2.2) and Applicant’s Proposed Measures (APMs) (Table 2.3) to be part of the proposed project. The environmental consequences (Chapter 4) of the project were evaluated by examining potential project impacts with the BMPs and APMs included. The DEIS concludes that due to these practices and measures, other mitigation would not be required.

1.10 → We appreciate that the DEIS recognizes the need for these practices and measures. However, many activities pertaining to biological resources in the AMPs are currently described as a set of measures that the project *may* include or that *could* be used. In other instances, measures are described that the applicant would adopt *where appropriate*, but does not explain how “appropriate” applications will be determined. Thus, the substance of the practices and measures which the agencies and applicant are committed to is unclear.

1.11 → Among other features, the table of APMs indicates that an Avian and Bat Protection Plan and adaptive management will be developed. However, the DEIS does not provide draft plans in appendices or explain the standards that the plans would adhere to. While the Service fully supports the development of such plans, the absence of the protocols and plans and consequential project’s affects on biological resources is not determinable from our DEIS review. A full description of project information is needed to meet the NEPA standards for disclosure, is essential to the DEIS reviewers and evaluate the validity of DEIS claims, and is necessary to support DEIS determinations. We believe that completing the description of these protocols and plans should be a high priority for the environmental statement.

The Service is willing to assist the Federal agencies and applicant to develop those measures. Based on the information presented in the DEIS, it appears that the following plans and procedures are needed:

1.12 → * A habitat (including wetland) mitigation plan.

1.13 → * A pre-construction protocol that includes a process for coordinating with land managers to identify, avoid, and minimize facility siting impacts.

1.14 → * An Avian and Bat Protection Plan referenced in the DEIS, including consultation with the Service to preclude possible unauthorized take of eagles.

1.15 → * A plan for measures to conserve federally listed species.

1.16 → * A plan for post-construction monitoring and adaptive management.

Method Used for Analysis of Affects (Thresholds of Significance)

Chapter 4, “Environmental Consequences,” discusses that a method for determining biological impacts in the DEIS relied on criteria defined as “thresholds of significance.” The DEIS states that because the projects impacts not to violate these criteria, no further mitigation would be required.

1.17 → We are unfamiliar with this approach, and are concerned that it is not consistent with the standards of the NEPA. We are not aware of basis under NEPA to dismiss mitigation for specific effects for resources in relation to a threshold of impact. To the contrary, the Council on Environmental Quality (CEQ) has stated, “Once the proposal itself is considered as a whole to have significant effects, all of its specific effects on the environment (whether or not “significant”) must be considered, and mitigation measures must be developed where it is feasible to do so.”¹ The explanation given in the DEIS for the “significance criteria” also do not

¹ <<http://ceq.hss.doe.gov/nepa/regs/40/11-19.HTM#19>>

1.18 → seem to account for CEQ’s policy that incremental impacts that contribute to cumulative impacts be mitigated. Secondly, the DEIS methodology imposes a need to correctly explain, as well as justify, the basis for the thresholds criteria. For example, one of the thresholds presented is if “an activity that violates the MBTA or BGEPA.” But elsewhere in these comments, the Service points out that the legal standards of MBTA and BGEPA are not correctly interpreted and applied in the DEIS.

Cumulative Impacts

1.19 → The Service believes it is necessary that Cumulative Impacts chapter (Chapter 5) rigorously address this topic. Many proposals exist for development of wind energy resources throughout South Dakota. It is important that cumulative impacts associated with development that could impact the sustainability for biological resources across the landscape be identified, so that factors contributing to undesirable impacts can be anticipated and avoided, where possible.

The DEIS describes in a general fashion the need for transmission infrastructure for delivering or facilitating delivery of electric power lines, and the economic effects of anticipated and continued windpower development. However, in terms of the actual future activities on the landscape, only information about the Rosebud Sioux Tribe windfarm is presented.

1.20 → At the local scale, the Titan project which would consist of 2,000 turbines has been proposed just north of the Prairie Winds project area. This and other proposed projects in the planning stages within central South Dakota should be included in this analysis, along with the possibility of other energy development, transmission line establishment, and changes in land use. At the State-wide scale, the South Dakota Office of Economic Development identifies roughly 50 existing and proposed windfarm energy generating facilities (see Enclosure, Figure 2). This implies much larger cumulative impacts at the landscape level than the information presented in the DEIS. Therefore, we recommend that the potential for direct and indirect impacts on biological resources, in terms of potential for habitat loss and fragmentation, and bird mortalities be expanded. We believe this chapter should identify specific measures that the Prairie Wind

1.21 → Project will undertake to avoid or compensate for incremental additions to cumulative impacts.

1.22 → We appreciate the opportunity to review the DEIS, and look forward to continued involvement in the project. If there are any questions regarding our comments, please contact Dave Carlson at

[Redacted]

Sincerely,



Deputy Regional Director

Enclosure

cc: Dennis Rankin, Rural Utilities Service
Washington, D.C. 20250-1571

**ENCLOSURE TO COMMENTS
PRAIRIE WINDS DEIS**

SPECIFIC COMMENTS

Chapter 2, Alternative and Proposed Federal Action.

- 1.23 → The Service recommends that a plan or protocol for pre-construction coordination with land owners and managers be developed and submitted for agency review. A plan or protocol should include a process for coordinating with land managers to identify, avoid, and minimize facility siting impacts, and the timing of coordination.
- 1.24 → The Service is concerned about proposed turbine locations within a high density of wetlands on three grassland easements in Brule County (T105N, R67W, Section 36). Towers placed near wetlands may increase the likelihood of bird strikes or cause birds to avoid use of the wetlands. The Service's Refuges staff would like to discuss the siting options for avoiding these types of wildlife impacts at the local scale.
- 1.25 → The Service also is concerned about recent additions to the project. Two Service wetland easement tracts occur within the area recently proposed by South Dakota Wind Partners, in the NE1/4NE1/4 section 32, and the NW1/4NW1/4, Section 33 T106N, R65W. We request that the applicant coordinate with the Service's Refuges staff once locations of the towers, access roads, and collector lines have been preliminarily determined, for siting adjustments that would ensure that the Service's interests are not impacted by project construction or operation.
- 1.26 → Overhead Transmission Lines: All three proposed overhead transmission corridors would cross Service wetland easements. Once a final route has been selected, onsite coordination is requested to ensure that no easement-protected wetlands are impacted by permanent or temporary construction activities. Right-of-ways secured from private landowners for the transmission lines are subject to existing Service easements. A Service grassland easement on the E 1/2 of Section 29, T106N, R65W, should be avoided by the proposed transmission line.
- 1.27 → The DEIS indicates that power line markers will be installed "where appropriate." It is unclear whether any work has been completed that would validate the need, or lack thereof, for marking the project overhead transmission lines. We request that the plan explain the process for how and when determinations will be made, by whom.
- 1.28 → Regulatory Framework, Page 69. We recommend that WAPA and RUS consult with the Service to ensure that all conclusions regarding wildlife are accurate and consistent with applicable laws. We suggest changes to this section as follows:
- 1.29 → Endangered Species Act. The DEIS should include several key provisions of the EIS. In place of the last sentence of the DEIS paragraph, we recommend that the following text:

1.29 continued

“The purpose of the Endangered Species Act (ESA) is to conserve threatened and endangered species and the ecosystems on which they depend. Based on the federal permitting associated with the proposed project, several provisions of the ESA apply. First, under Section 7(a)(1) of the ESA, all Federal agencies have an affirmative obligation to use their authorities to proactively carry out programs that will help provide for the conservation of threatened and endangered species.

In addition, Federal agencies must ensure that their actions (including permitting) are not likely to jeopardize the continued existence of a species listed as threatened or endangered, or result in the destruction or adverse modification of critical habitat. The assessment of the impacts to listed species under ESA must address direct, indirect, and cumulative effects of the agency’s action, as well as the effects of activities that are interrelated or interdependent with the action.

The ESA and implementing regulations also prohibit the take of endangered and threatened species without special exemption. Take is defined as to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture or collect, or attempt to engage in such conduct. Take that is incidental to the action is not considered to be prohibited, provided it is in compliance with terms and conditions of an Incidental Take Statement issued by the USFWS.”

1.30 → Migratory Bird Treaty Act. We recommend a more complete description of this Act and its applicability to the proposed action. We also suggest that Executive Order 13186 and the 2006 MOU between the Department of Energy and the Service be explained, as these pertain to the need for an avian protection plan. We suggest:

“The Migratory Bird Treaty Act, which is administered by U.S. Fish and Wildlife Service is the primary statute for migratory bird conservation and protection in the U.S. This statute prohibits take¹ of migratory birds (e.g., waterfowl, shorebirds, birds of prey, songbirds) except when specifically authorized by the Department of the Interior by permit, depredation order, or other vehicle.

The MBTA is a strict liability statute wherein proof of intent is not an element of a taking violation. Most actions that result in a “taking” or possession (permanent or temporary) of a protected species can be a violation. There is no threshold as to the number of birds or other animals taken at wind energy sites beyond which the Service will initiate enforcement action. The regulations implementing the MBTA do not provide for issuance of permits that authorize take of migratory birds that may be killed or injured by activities that are otherwise lawful.

¹ “take” under the MBTA means to pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to pursue, hunt, shoot, wound, kill, trap, capture, or collect.

1.30 continued

The MBTA and BGEPA provide for significant criminal and, in the case of the BGEPA, civil penalties. Thus, it is important for companies and their managers to ensure that their proposed activities have been fully coordinated in advance with the Service.

Executive Order 13186 directs executive departments and agencies to take certain actions to proactively protect and conserve migratory birds. In furtherance of that purpose, the Department of Energy and Service have entered into an MOU to strengthen migratory bird conservation through enhanced collaboration. The MOU identifies specific areas in which this cooperation can substantially contribute to the conservation and management of migratory birds and their habitats.”

1.31 → Bald and Golden Eagle Act. In the first sentence of this paragraph, change “Bald Eagles” to “Bald and Golden Eagles.” To more directly address the pertinence of this Act, we suggest the following paragraphs in place of the second sentence:

“The BGEPA provides for protection of bald and golden eagles. This law also affords eagles additional protections beyond those provided by the MBTA, in particular, by making it unlawful to disturb eagles. On a very limited basis, the US Fish and Wildlife Service may authorize take of eagles when: thresholds for take in the eagle population have not yet been reached and take is compatible with stable or increasing breeding population; comprehensive measures to avoid and reduce take are developed in coordination with the USFWS, and; any subsequent take is unavoidable. Permits issued by USFWS may require pre- or post-project surveys, and may require that conservation measures be implemented to offset unavoidable take.”

1.32 → National Wildlife Refuge System Improvement Act. Please add this law to this section of the DEIS.

The National Wildlife Refuge System Improvement Act requires that any activity on Refuge lands be determined as compatible with the Refuge system mission and Refuge purpose(s). Compatibility determinations are made by the USFWS Refuge Managers.

1.33 → Pages 89 and 98. The DEIS discusses percentile bands for whooping crane migration, but for most readers this concept is probably obscure. To clarify, we suggest that the DEIS include the whooping crane migration map (provided in Figure 1 attached to these comments).

1.34 → Table 3.4-9 on page 97, and the last sentence of the first paragraph on page 98. Page 97 states that whooping cranes have been observed in the project area, thus, change the wording in the table and on page 98 from “may occur” to “occurs.”

1.35 → The DEIS states that WEST surveys of the proposed project area did not observe whooping cranes. Given the survey design and the species rarity, a simple statement seems to overstate any implication that can reasonably be made. Therefore, clarify the text or explain whether the WEST surveys were designed to detect the extent of whooping crane use of the project area.

Chapter 4, Environmental Consequences.

1.36 → The Service requests that a more thorough discussion of the impacts of project development and operation on native prairie and habitat fragmentation. Loss of native prairie and habitat fragmentation are two significant issues affecting wildlife conservation. The DEIS should explain whatever mitigation would be undertaken to address this loss of habitat value. The Environmental consequences should address whether functional loss of habitat is anticipated through avian avoidance of areas where turbines are located, and provide a technical basis for the conclusions.

Best Management Practices; Applicant's Proposed Measures:

1.37 → We request that commitments of the agencies and the applicant defined, perhaps in draft plan which would be an Appendix to the EIS. The Service will assist the action agencies and applicant to define a more complete set of conservation measures, to include:

1.38 → • To reduce the amount of damage to vegetation on Service grassland easements we will not permit “crane walks” or additional impacts to grassland vegetation other than as-built surveyed roads to install towers.

1.39 → • We recommend that the timing of construction activities be specified to occur outside the migratory bird breeding season to the maximum extent possible. This would reduce potential impacts to nesting birds. The breeding season for many of the nesting birds in this area extends from April through July. If construction cannot occur outside of breeding season, we request surveys to identify locations of nests prior to movement of heavy equipment so these areas can be avoided.

1.40 → • The scientific literature indicates that birds are more attracted to red lights than white. When turbines require lighting, we request the use of the minimum amount of pilot warning and obstruction avoidance lighting specified by the FAA (see chapter 6 in AC70/7460-1K). Ideally, only white strobe lights should be used at night, and these should be the minimum number, minimum intensity, and the minimum number of flashes per minute allowable by the FAA. Solid red or pulsating red lights should be avoided.

1.41 → Page 149. Executive Order 13186 is miss-titled as “Stewardship/Transportation/Infrastructure.” The title for this Executive Order is “Responsibilities of Federal Agencies To Protect Migratory Birds.”

1.42 → Page 150, last paragraph. The text states that, “The Applicants and Agencies have committed to these included BMPs and APMs prior to evaluation of environmental impacts.” Page 151 first full paragraph states, “The impact analysis was conducted by evaluation potential impacts with BMPs and APMs in place ...”

The Service appreciates the recognition by the action agencies that these plans are needed, and supports their development. However, the APMs for biological resources actually refers to a range of possible measures that could be implemented during construction, and an Avian and Bat Protection Plan (ABPP) and adaptive management that are yet to be developed.

Because these measures have not been developed or provided for review, it is unclear how the effects were accounted for in the DEIS analysis of impacts; essentially the DEIS assumes a “best case” scenario for protection in the absence of the necessary information on which to base an analysis. NEPA procedures must insure that environmental information is available to public officials and citizens before decisions are made and before actions are taken. The information must be of high quality. We therefore recommend that the plans be distributed for review in supplemental material, with time for adequate review, before a final DEIS is completed.

1.43 → Page 158. Statements here and in Table S.3 and elsewhere in the DEIS indicate that, “With the included BMPs and APMs, impacts to bird species would be less than significant, because the Proposed Project would not affect the biological viability of a local, regional, or national population of bird species ...” What is this conclusion based on? Collision mortality, habitat loss, habitat fragmentation, and avoidance behaviors of avian species are described as impacts of this project. Given the range of potential impacts, it appears plausible that detrimental impacts at the local population level could occur. To help meet the NEPA standards for environmental statement analysis, citations or supporting technical information should be included. Estimates of the number of birds that may be killed over the lifetime of the project may be useful (e.g., strikes = 2 (or some range) of birds per turbine/year; 101 turbines; 30 years of operation = 6,060 birds).

1.44 → Pages 158 to 181, Section 4.4 Biological Resources. In numerous instances, the DEIS cites “BMPs, Chapter 2, Table 2.2” when referring to protective measures to avoid and minimize wildlife impacts.

The BMPs in Table 2.2 contains no statement of protection for biological resources other than State and federally listed species. The Federal action agencies will probably want to ensure their compliance with the BGEPA and MBTA is addressed in this table.

1.45 → Pages 162-163. Citations or other additional scientific or technical information should be provided to support the DEIS’ assertions that wildlife impacts are minor and temporary. Without such support, conclusory statements such as “... wildlife species would become accustomed to operation and maintenance activities and would be expected to resume use of either alternative” and “... impacts would not affect the biological viability of a local, regional, or national population of wildlife species” (e.g., page XVI – XVII, 162, 163) are speculative. These general statements do not recognize that reactions of wildlife species could widely differ.

1.46 → Page 163. Clarification is needed regarding impacts on bats. At this page the DEIS concludes that, based on results of the bat studies, the project is unlikely to impact bats. Elsewhere, the DEIS states (p. 32) that bat surveys were not currently completed, and that specific information

on bat foraging, breeding, and roosting migration for the Crow Lake area was unknown and that results of bat surveys were not available and incomplete. If the former is correct, the completed reports or supporting technical report and analysis should be cited.

1.47 → Page 168. The DEIS states that the Proposed Project could affect the bald eagle due to temporary disturbance or displacement associated with construction, operation and decommissioning activities, minor losses of foraging habitat, and mortality of individuals via collision with turbines. The DEIS also states that the included BMPs and APMs (as listed in Chapter 2, Tables 2.2 and 2.3) would be implemented as part of the Proposed Project to minimize disturbance and displacement effects.

Although not stated, we assume that the DEIS reference to the APMs (Table 2.3) refers to the development of an ABPP. The content of such future plan is not described in the DEIS. The ABPP should be completed for review by action agencies prior to finalizing the EIS.

Also, note that a correction is needed because the BMPs (Table 2.2) in the DEIS contain no conservation measures related to eagles. We agree that there should be, as BGEPA implementation also is a responsibility of the Federal action agencies. The DEIS should state that take of eagles (e.g., by disturbance, strikes at powerlines or turbines, or electrocution) would be a violation of the BGEPA, and that consultation with the Service and mitigation of take will be required.

1.48 → Chapter 5, Cumulative Impacts. Information from the South Dakota Office of Economic Development pertaining to existing and proposed windfarm generation, is provided in Figure 2 (attached). This information implies cumulative impacts, in particular for migratory birds populations, at a magnitude much larger than the information discussed in the DEIS. (See our General Comments, herein, on this topic.)

Therefore, we recommend that the potential for direct and indirect impacts on biological resources, in terms of potential for cumulative effects on habitat loss and fragmentation, and bird mortalities be expanded. We ask that the figure on proposed wind development in the DEIS, and that the cumulative effects chapter be bolstered to describe the relative impacts that such development could have.

1.49 → The sections of this chapter should explain the measures that Prairie Wind Project will take to avoid cumulative or compensate for those factors, which would otherwise incrementally contribute to cumulative impacts. You may know that the Council on Environmental Quality has issued extensive guidance on the treatment of cumulative impacts in NEPA document in their 1997 publication titled “Considering Cumulative Effects,” available at: http://ceq.hss.doe.gov/publications/cumulative_effects.html

1.50 → Page 229, last full paragraph, last sentence, and page 230. Please explain what Midwest Independent Transmission System Operator is, and how those system facilities are relevant to the discussion of the cumulative impacts analysis. Is this information all inclusive, or are system components and facilities of any other systems of utilities or utility organizations excluded?

- 1.51 → Page 230. Information pertinent to past and present actions in the area appears to be limited to the final paragraph which begins “Existing utility infrastructure ...” With consideration for habitat fragmentation of the prairie landscape, we recommend a view of the actions, past and present, that have affected the project area include agricultural practices, roads, transmission lines, houses, etc.
- 1.52 → Page 230, Reasonably Foreseeable Future Actions. This section of the DEIS lacks information about other wind farms proposed in the area. For example, the Titan project, which has been proposed immediately north of the Prairie Winds project area, could consist of 2,000 turbines. This and other proposed projects in the planning stages within central South Dakota should be included in this analysis, along with the possibility of other energy development, transmission line establishment, and changes in land use.
- 1.53 → Page 235, last full paragraph. The DEIS states that incremental impacts of the project action on mammals, reptile and amphibian mortality would occur, but then determines that cumulative impacts would not increase. This is illogical given that cumulative impacts are defined as the result of added incremental impacts, i.e., “individually minor but collectively significant actions taking place over a period of time.” Clarify the logic of this section.
- 1.54 → Page 236, Section 3.4.2. Biological Resources, second sentence of the first full paragraph. This sentence refers to tower lighting as feature that that has a cumulative impact on birds. This explanation seems odd given that lighting is but one component of the cumulative impact of turbine operation on bird mortality. However, some explanation of the relative impact that tower lighting has as a cause of total turbine mortality, (i.e., the proportional increase in mortality from lighting as it relates to total mortality) would be helpful in terms of measures that could reduce project impacts.
- 1.55 → Page 236, Section 5.4.2. Biological Resources. The first full paragraph on this page indicates that there are numerous existing and proposed transmission and wind generation projects in South Dakota that have or may have similar impacts on birds and bats. It would be helpful to estimate the linear amount of transmission lines and relative number of turbines being proposed.
- Revise this section of the DEIS with the information presented in the attached figure, showing approximately 50 wind generation farms throughout South Dakota. When the additional information is considered, the scale of impacts is much greater than the discussion presented in the DEIS. This information implies that potential for landscape impacts, like those of the proposed Prairie Wind project could occur throughout the State. This additional information should be added to the DEIS and reflected in the cumulative impacts discussion.
- 1.56 → Page 236. The last two sentences of the first paragraph DEIS text states that “bird and bat species utilizing the habitats in eastern South Dakota would not likely be incrementally impacted by the Proposed Project.” The logic for this conclusion is inadequate, and seems contradicted by the preceding and the following text of the DEIS. It seems that the added increment of cumulative impact to bats and birds would be about the same, resulting in cumulative impacts either more extensively distributed across the landscape, or more intensively distributed in local areas, depending on the project location.

Issues Related to Federally Listed Species

- 1.57 → The DEIS makes the statement that the proposed project “... would not result in take of a protected species beyond that authorized by permit” relative to federally listed species. However, the Federal action agencies have not indicated that they intend to formally consult under Section 7 of the ESA on topeka shiner and piping plover (pages XVIII, XIX). Because Section 7 consultation and permits for take of listed species--other than the whooping crane--are not currently being pursued, it is inappropriate to make reference to a take permit.
- 1.58 → Page 167 indicates that “... it is possible that Piping Plovers could collide with turbines or overhead lines ...” The Federal action agencies have submitted a Biological Assessment to the Service with a determination that the project may affect, but is not likely to adversely affect the piping plover. If there is a possibility that the species could collide with turbines or overhead lines, a “may affect” determination would be needed by the federal agencies, and formal consultation should be requested. Direct mortality represents “take” under ESA and a violation of the law without authorization provided by the Section 7 formal consultation process. If the likelihood of piping plover mortality is insignificant, discountable, or entirely beneficial, and would never approach the level of take, formal consultation is not necessary. We recommend further consideration of this species and the possible impacts, if any, which may occur to piping plovers for the final EIS.
- 1.59 → Descriptions of the Winner alternative should be sure to indicate potential impacts to the American burying beetle. Page XIX description of the Winner project indicates that the project “would not affect the biological viability of a local, regional, or national population of mammal, fish, amphibian, reptile or invertebrate species ...” It may be premature to make the statement particularly in relation to invertebrates without further analysis of American burying beetle impacts. It is plausible that local population level impacts could occur.
- 1.60 → It would be appropriate to describe any environmental measures designed to offset project impacts under the ESA within the Prairie Wind NEPA document. The Service’s South Dakota Ecological Services has previously identified to Western Area Power Administration (WAPA) and Rural Utilities Service (RUS) the opportunity to provide for the conservation of whooping cranes under ESA Section 7(a)(1). Section 7(a)(1) measures would be appropriate because of the proposed project is located within the whooping crane’s migrational corridor. (WAPA/RUS previously provided for offsetting measures for whooping crane habitat impacts at the Prairie Winds windpower generation facility in North Dakota.) At page 41, the DEIS mentions that “Appropriate offsetting measures” would be provided to compensate for impacts of habitat avoidance of birds near turbines. Whooping crane habitat occurs on the project area, and whooping cranes tend to avoid areas with human activities. Thus, whooping cranes may experience a loss of habitat at the Prairie Winds site along with other migratory birds. We recommend the “appropriate offsetting measures” be fully defined and described in the final DEIS, and that consideration of whooping crane benefits be a factor in determining the details of these measures. Actions could include, but not be limited to: habitat fee title purchases, purchase of easements, and/or restoration of habitat within South Dakota portion of the migratory corridor.

1.60 continued

The Service has developed guidelines (see scanned memo, enclosed, from USFWS Assistant Regional Director, February 4, 2010) intended to minimize collisions of whooping cranes with overhead lines such as transmission lines that may be constructed with the project. These guidelines involve marking new and existing overhead lines to reduce the risk that whooping cranes may collide with these structures.

1.61

Page 83 of the DEIS indicates the likely presence of the Northern leopard frog onsite. The western population of the Northern leopard frog is currently the subject of a 12-month status review by the Service's Arizona Ecological Services Office. This species has been documented as declining in several western areas, but occurs in every county of South Dakota. In response to a petition to list the species, a substantial 90-day finding was published on July 1, 2009 (*Federal Register* 74 (125), pages 31389-31401), and the 12-month review was initiated immediately thereafter. This review process will determine whether the frog warrants listing under the ESA and may be concluded in the summer of 2010. If the Service finds that the listing of this species is "not warranted," no further consideration is necessary. However, a "warranted" or "warranted but precluded" conclusion would elevate the species to candidate or proposed status, and intra-service Section 7 requirements would apply regarding turbine establishment on Service easements in the project area. We recommend early consideration of this species for the Prairie Winds Project.



IN REPLY REFER TO:
FWS/R6
ES

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Mountain-Prairie Region



MAILING ADDRESS:
P.O. Box 25486, DFC
Denver, Colorado 80225-0486

STREET LOCATION:
134 Union Boulevard
Lakewood, Colorado 80228-1807

FEB 04 2010

Comment Reference Document 1
Attachment 1

Memorandum

To: Field Office Project Leaders, Ecological Services, Region 6
Montana, North Dakota, South Dakota, Nebraska, Kansas

From: Assistant Regional Director, Ecological Services, Region 6 

Subject: Region 6 Guidance for Minimizing Effects from Power Line Projects Within the Whooping Crane Migration Corridor

This document is intended to assist Region 6 Ecological Services (ES) biologists in power line (including generation lines, transmission lines, distribution lines, etc.) project evaluation within the whooping crane migration corridor. The guidance contained herein also may be useful in planning by Federal action agencies, consultants, companies, and organizations concerned with impacts to avian resources, such as the Avian Power Line Interaction Committee (APLIC). We encourage action agencies and project proponents to coordinate with their local ES field office early in project development to implement this guidance.

The guidance includes general considerations that may apply to most, but not every, situation within the whooping crane migratory corridor. Additional conservation measures may be considered and/or discretion may be applied by the appropriate ES field office, as applicable. We believe that in most cases the following measures, if implemented and maintained, could reduce the potential effects to the whooping crane to an insignificant and/or discountable level. Where a Federal nexus is lacking, we believe that following these recommendations would reduce the likelihood of a whooping crane being taken and resulting in a violation of Endangered Species Act (ESA) section 9. If non-Federal actions cannot avoid the potential for incidental take, the local ES field office should encourage project proponents to develop a Habitat Conservation Plan and apply for a permit pursuant to ESA section 10(a)(1)(B).

Finally, although this guidance is specific to impacts of power line projects to the whooping crane within the migration corridor, we acknowledge that these guidelines also may benefit other listed and migratory birds.

If you have any questions, please contact Sarena Selbo, Section 7 Coordinator, at (303) 236-4046.

**Region 6 Guidance for Minimizing Effects from Power Line Projects
Within the Whooping Crane Migration Corridor**

- 1) Project proponents should avoid construction of overhead power lines within 5.0 miles of designated critical habitat and documented high use areas (these locations can be obtained from the local ES field office).
- 2) To the greatest extent possible, project proponents should bury all new power lines, especially those within 1.0 mile of potentially suitable habitat¹.
- 3) If it is not economically or technically feasible to bury lines, then we recommend the following conservation measures be implemented:
 - a) Within the 95-percent sighting corridor (see attached map)
 - i) Project proponents should mark² new lines within 1.0 mile of potentially suitable habitat and an equal amount of existing line within 1.0 mile of potentially suitable habitat (preferably within the 75-percent corridor, but at a minimum within the 95-percent corridor) according to the U.S. Fish and Wildlife Service (USFWS) recommendations described in APLIC 1994 (or newer version as updated).
 - ii) Project proponents should mark replacement or upgraded lines within 1.0 mile of potentially suitable habitat according to the USFWS recommendations described in APLIC 1994 (or newer version as updated).
 - b) Outside the 95-percent sighting corridor within a State's borders

Project proponents should mark new lines within 1.0 mile of potentially suitable habitat at the discretion of the local ES field office, based on the biological needs of the whooping crane.
 - c) Develop compliance monitoring plans

Field offices should request written confirmation from the project proponent that power lines have been or will be marked and maintained (i.e., did the lines recommended for marking actually get marked? Are the markers being maintained in working condition?)

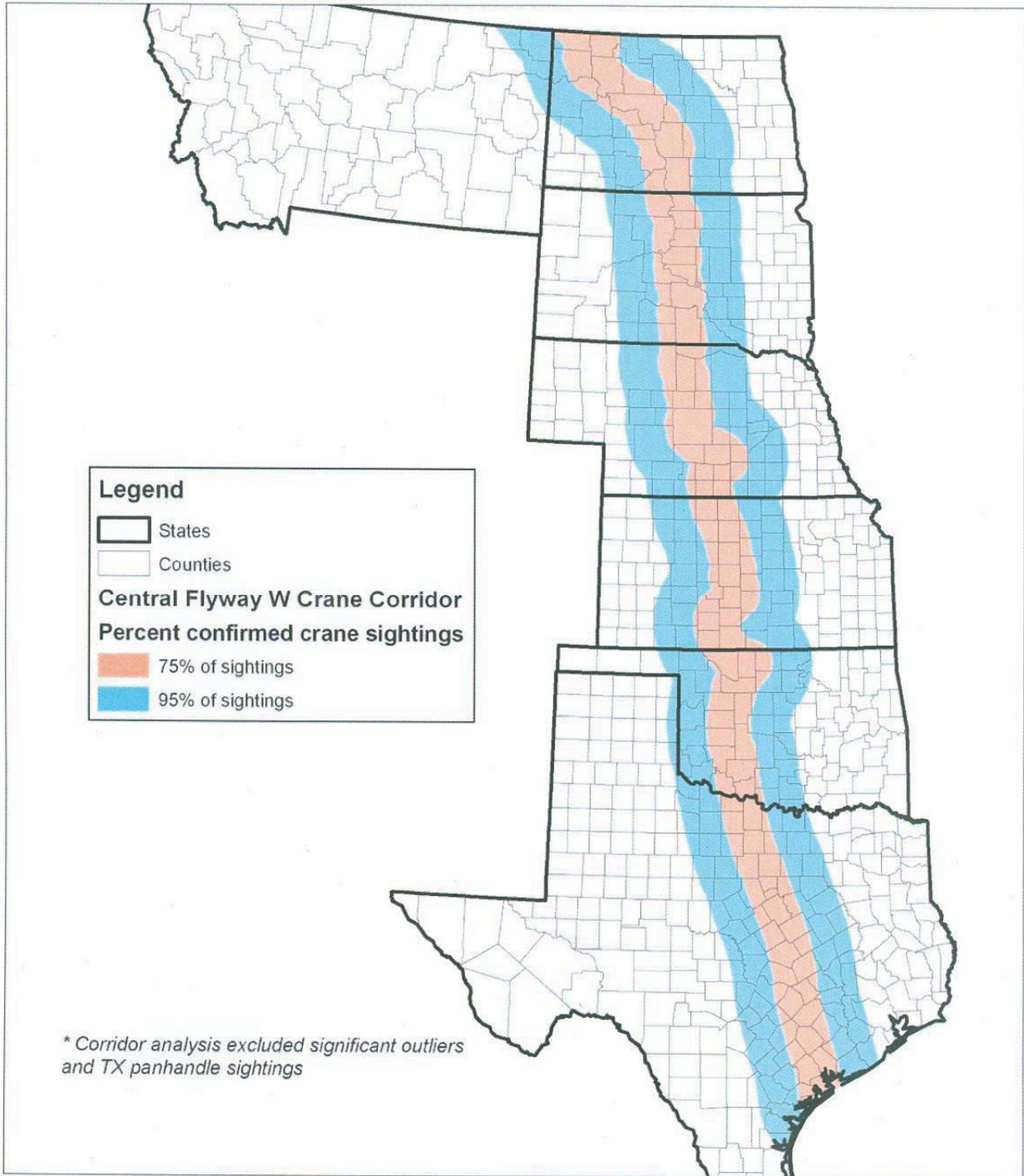
¹ Potentially suitable migratory stop over habitat for whooping cranes includes wetlands with areas of shallow water without visual obstructions (i.e., high or dense vegetation) (Austin & Richert 2001; Johns et al. 1997; Lingle et al. 1991; Howe 1987) and submerged sandbars in wide, unobstructed river channels that are isolated from human disturbance (Armbruster 1990). Roosting wetlands are often located within 1 mile of grain fields. As this is a broad definition, ES field office biologists should assist action agencies/applicants/companies in determining what constitutes potentially suitable habitat at the local level.

² Power lines are cited as the single greatest threat of mortality to fledged whooping cranes. Studies have shown that marking power lines reduces the risk of a line strike by 50 to 80 percent (Yee 2008; Brown & Drewien 1995; Morkill & Anderson 1991). Marking new lines and an equal length of existing line in the migration corridor maintains the baseline condition from this threat.

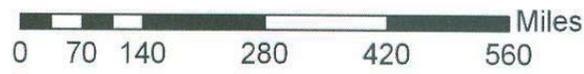


U.S. Fish & Wildlife Service

United States Central Flyway Whooping Crane Migration Corridor *



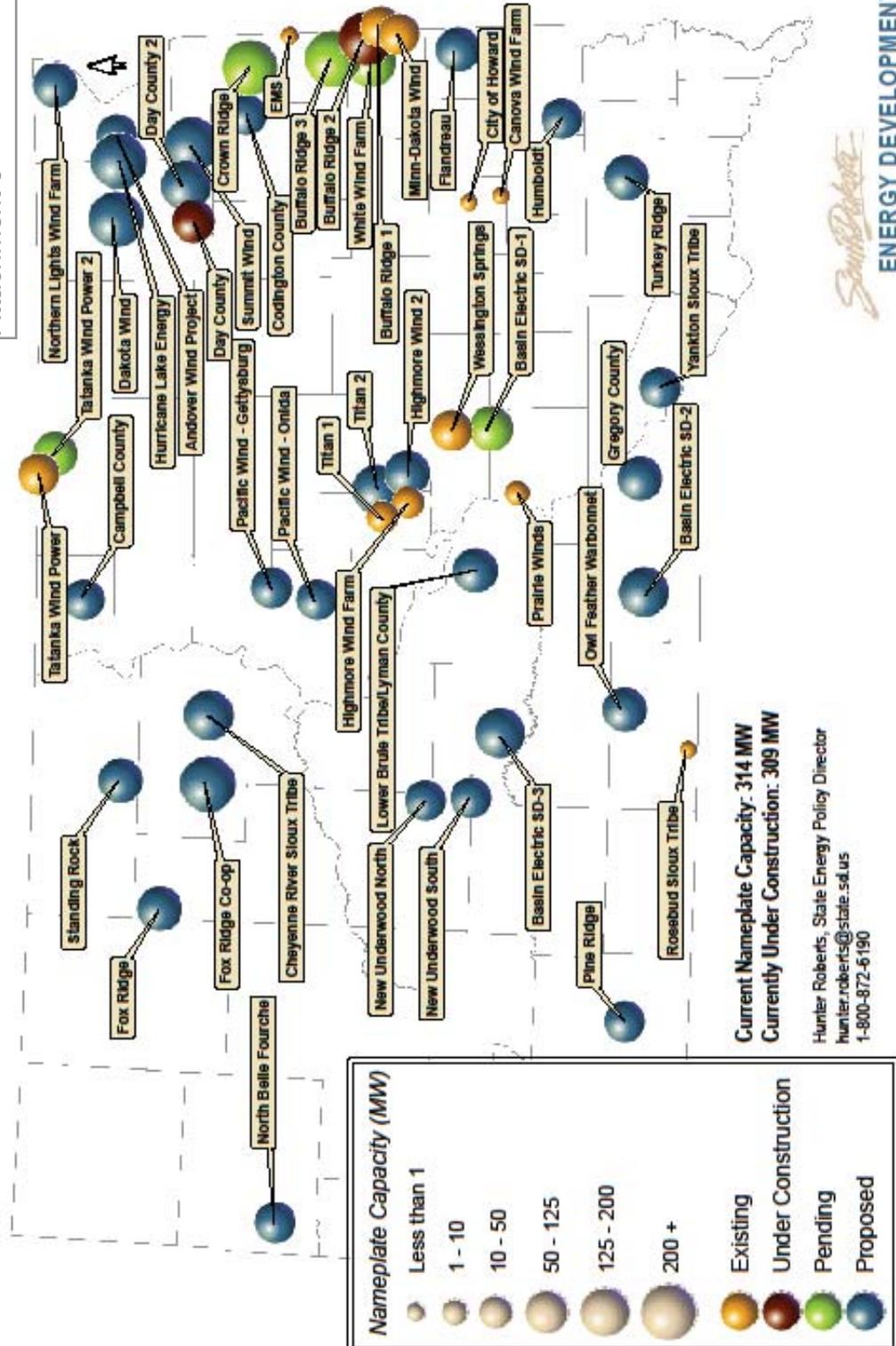
Produced for Ecological Services
Grand Island, NE
Current to: 2008
Basemap (Date): U.S. Counties
Meridian:
File:



South Dakota Wind Energy Development

by Capacity and Status

Comment Reference Document 1
Attachment 3



Please note: this map may not represent every proposed wind farm in SD, it only represents the wind farms that the SD Governor's Office of Economic Development has direct knowledge of.

South Dakota PrairieWinds Project Draft Environmental Impact Statement

Federal Agency Comments

Bureau of Indian Affairs
Department of the Interior
Environmental Protection Agency
National Park Service



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
Great Plains Regional Office
115 Fourth Avenue S.E.
Aberdeen, South Dakota 57401



IN REPLY REFER TO:
DESCRM
MC-208

FEB 24 2010

Comment Reference
Document 2

Liana Reilly
Western Area Power Administration
P.O. Box 281213
Lakewood, Colorado 80228-8213

Dear Ms. Reilly:

This letter is in response to the Proposed South Dakota PrairieWinds Project, Draft Environmental Impact Statement (DEIS). → Our office has reviewed the DEIS and have no comments on the proposed action. We have considered the potential for both environmental damage and impacts to archaeological and Native American religious sites on lands held in trust by the Bureau of Indian Affairs, Great Plains Region. You should be aware, however, that Tribes or Tribal members may have lands in fee status near the sites of interest. These lands would not necessarily be in our databases, and the Tribes should be contacted directly to ensure all concerns are recognized. The action considered has the following notification date and project locations:

- January 13, 2010 Proposed South Dakota PrairieWinds Project Draft Environmental Impact Statement

2.3 → We have no environmental objections to this action, as long as the project complies with all pertinent laws and regulations. Questions regarding environmental opinions and conditions can be addressed to

2.4 → Jeffrey Davis, Environmental Protection Specialist, at [redacted].

2.5 → We also find that the listed action will not affect cultural resources on tribal or individual landholdings for which we are responsible. Methodologies for the treatment of cultural resources now known or yet to be

2.6 → discovered – particularly human remains – must nevertheless utilize the best available science in accordance with provisions of the Native American Graves Protection and Repatriation Act, the Archaeological Resources Protection Act of 1979 (as amended), and all other pertinent legislation and implementing regulations. Archaeological concerns can be addressed to Dr. Carson N. Murdy, Regional

2.7 → Archaeologist, at [redacted].

Sincerely,

Deputy Regional Director – Indian Services



United States Department of the Interior

OFFICE OF THE SECRETARY
Office of Environmental Policy and Compliance
Denver Federal Center, Building 67, Room 118
Post Office Box 25007 (D-108)
Denver, Colorado 80225-0007



March 4, 2010

9043.1
ER 10/57

Comment Reference
Document 3

Ms. Liana Reilly
Western Area Power Administration
P.O. Box 281123
Lakewood, Colorado 80228-8213

Dear Ms. Reilly:

The Department of the Interior (Department) has reviewed the Draft Environmental Impact Statement (DEIS) for the proposed Prairie Winds Project, a 151.5 megawatt (MW) wind-powered generation facility in Aurora, Brule, Jerauld and Tripp Counties, South Dakota. These comments reflect input from the National Park Service (NPS), the U.S. Geological Survey (USGS), and the U.S. Fish and Wildlife Service (USFWS).

U.S. FISH AND WILDLIFE SERVICE

The proposed project lies within an area significant to natural heritage, as it lies near the prairie pothole waterfowl breeding area of the northern Great Plains. The USFWS, Lake Andes National Wildlife Refuge Complex and the Huron Wetland Management District each manage easements that protect wetlands and grasslands for migratory bird conservation in the project area. The USFWS is also responsible for administration and enforcement of the Migratory Bird Treaty Act and Endangered Species Act.

The USFWS is preparing more detailed input on the DEIS which it will submit directly to Western Area Power Administration (WAPA) and Rural Utilities Services. At this time, however, USFWS suggests clarification or correction for these areas:

Proposed Federal Action.

- 3.1 → The applicant's and the action agencies' commitments to mitigation for biological resources (Chapter 2, and Tables 2.2 and 2.3) in the DEIS are incomplete at this time. Several of the listed management practices refer to protocols and plans yet to be developed.
- 3.2 → In addition, several of the management practices are described vaguely as measures that "may" be taken, "could" be taken, or that would be adopted "as appropriate." So, at this time it is unclear what is included in the proposed action.
- 3.3 → The text also states that "standard BMPs" (Best Management Practices) would be used; however, the references for these standards are not explained (other than as "Western's Construction Standard 13").

3.4 → Disclosure of the agencies' and applicant's commitments to the management practices is essential in order to support the analyses of "Environmental Consequences" (Chapter 4), and should be given a high priority. Without them, it is unclear whether the determinations in Chapter 4 are entirely valid. The USFWS will identify management practices that it believes are needed to protect conservation easements in further comments it is currently preparing.

3.5 → Migratory Bird Treaty Act
At several places in the DEIS, the descriptions of the Migratory Bird Treaty Act and "take" of migratory birds is incorrect. These errors are substantive because they directly pertain to conclusions about project impacts. The USFWS will provide necessary corrections and clarifications in the detailed comments forthcoming.

3.6 → In addition, the USFWS recommends that the DEIS discuss actions that USFWS and WAPA will take to support Executive Order 13186 ("Responsibilities of Federal Agencies to Protect Migratory Birds"). In particular, it will be helpful to address the 2006 Memorandum of Understanding between the Department of Energy and USFWS which outlines an agreement for implementing the Executive Order.

3.7 → Cumulative Impacts.

3.8 → USFWS requests that cumulative impacts (Chapter 5) describe the extent of proposed wind power projects in South Dakota. Opportunities to mitigate cumulative impacts to biological resources should also be identified.

3.9 → Cumulative impacts are important because of information USFWS has recently obtained from the South Dakota Public Utilities Commission depicting extensive wind-power generating facilities proposed throughout much of the State. We believe that, absent protective measures, the proposed wind power development has the potential to substantially affect landscape conservation of biological resources.

3.10 → Please direct any question regarding USFWS's comments to Dave Carlson, Regional Environmental Review Coordinator in the Denver Regional Office, at [redacted].

NATIONAL PARK SERVICE

Visual Resources

The Lewis and Clark National Historic Trail Office of the National Park Service (NPS) submitted scoping comments in May, 2009. In response to the NPS's comments on potential impacts to visual resources, in October, 2009, WAPA consulted with the NPS on a preliminary draft visual assessment. However, WAPA has informed the NPS that the visual resource concerns were inadvertently omitted from the current DEIS, and indicated that this oversight will be addressed by providing NPS with draft language for comment prior to release of the Final EIS. The NPS would welcome the opportunity to review or comment on whatever supplemental draft material may be distributed, and suggests that WAPA also consider circulating and filing supplemental material in the same fashion as the draft statement (see 40 CFR § 1502.9).

3.11 →

- 3.12 → The Crow Lake Alternative would be less disruptive of the natural scene along the Lewis and Clark auto tour routes than the Winner Alternative. Under the Crow Lake Alternative, auto tour route travelers east of the Missouri River near Key Observation Points (KOPs) 1 and 2, are likely to have their attention drawn to views of the river valley, away from distant views of potential turbines on the horizon. While the proposed turbines would be visible on the horizon from KOP 3, this distant view is substantially disrupted by Interstate 90 in the foreground. Under the
- 3.13 → Winner Alternative, the turbine array would generally lay in the line of sight of the auto tour route travelers headed south on South Dakota Highway 47, or west on U.S. Highway 18, (See DEIS Figure 4.8-14 KOP 7). In addition, the motion of the turbine blades further attracts the eye, especially when the vertical turbines disrupt the natural horizon line.

Natural Resources

- 3.14 → As presented in the DEIS, the Crow Lake Alternative would have fewer or less severe impacts on vegetation, wildlife, sensitive species and land use, compared to the Winner Alternative. The DEIS states that locations where grouse and prairie chicken gather during mating season (leks) will be avoided when siting turbines and that construction will be outside of breeding seasons. The Crow Lake Alternative would have less severe impacts on leks than the Winner Alternative because of smaller areas of grassland habitats occurring within the site and fewer recorded leks.

Noise

- 3.15 → When addressing low-frequency sound generated by wind turbines, the DEIS states, “The primary effect appears to be annoyance, and has not been proven to result in adverse health impacts.” Although impacts may not be proven at this time, they have not been disproven to our knowledge either. Recent publications, conferences and books, address the newly described “Wind Turbine Syndrome” and its impact on human health. [See Kamperman and James, 2008, *Simple Guidelines for Siting Wind Turbines to Prevent Health Risks*, (available at www.windturbinesyndrome.com)]. Due to the uncertainty of potential human health impacts from turbine noise, turbines should be sited far from residences.

- 3.16 → Please direct any questions regarding NPS’s comments to Dan Wiley, Chief of Resources Stewardship, Lewis and Clark National Historic Trail at [] or at []

U.S. GEOLOGICAL SURVEY

Specific Comments on Chapter 3, Affected Environment, Section 3.4: Biological Resources:

- 3.17 → Page 89. The DEIS text states, "The only self-sustaining wild population [of whooping cranes] is the Aransas-Wood Buffalo National Park population, which migrates between summer nesting grounds in Wood Buffalo National Park in Canada and winter habitat in the coastal marshes of Aransas National Wildlife Refuge in Texas." Please add a reference. Suggested references include USGS 2006, or for the migratory route, Meine and Archibald, 1996.

- 3.18 → Page 90. The DEIS text states, "According to the USGS Breeding Birds of South Dakota Database, there have been no documented occurrences of the Piping Plover in Jerauld, Brule and Aurora counties." The piping plover is a very rare species, so information should be given to

3.18 continued

explain the survey design (i.e., whether the surveys were designed to detect rare species) and whether appropriate habitat exists for this species. In addition, the DEIS should cite the reference and include information from the most recent USGS Breeding Bird Survey (Sauer et al., 2008), such as species status and trends information, distribution and trend maps, and population change analysis results, not only for the piping plover, but also for other potentially impacted birds species.

3.19

Page 89. The DEIS text states, "No Whooping Cranes were observed during the avian use surveys conducted in the Crow Lake Alternative." The whooping crane is a very rare species, so the DEIS should explain whether the avian use surveys were designed with the intent to document the extent of whooping crane use of the area. Without such information, a statement could potentially be misleading. Information on who conducted the surveys, the seasons that the surveys were conducted and the methodology utilized, would improve the assessments presented in the document, and is necessary for review of the DEIS.

3.20

Pages 82-83. The DEIS text states, "Specific information regarding roosting, breeding, foraging and migration is unknown for bats ...". The final EIS should include information on their status and trends from available scientific references, such as the Ellison et al, 2003 reference, and include a discussion of potential impacts on bats.

3.21

Several species could be potentially impacted from proposed activities, including migratory species. The DEIS states (page 89) that "Stopover occurrence during migration [of Federally-listed whooping cranes] is common throughout South Dakota." Notwithstanding the BMPs and Applicants' Proposed Measures of the proposed action, the DEIS should include a section that discusses mitigation actions or a comprehensive summary analysis of proposed mitigation measures for the various proposed alternatives.

3.22

The DEIS should discuss and disclose proposed mitigation actions for affected terrestrial and aquatic wildlife, and include a table that outlines proposed mitigation measures for the alternatives based on available scientific studies with supporting references and include these in the References section.

3.23

→ Please direct any questions concerning USGS comments to Gary LeCain, Coordinator for Environmental Document Reviews, at [redacted] or at [redacted].

Sincerely,



Robert F. Stewart
Regional Environmental Officer

cc: Mr. Dennis Rankin
Rural Utilities Service, Utilities Program
1400 Independence Avenue SW
Mail Stop 1571
Washington, D.C. 20250-1571

REFERENCES CITED

- Ellison, L.E., T.J. O'Shea, M.A. Bogan, A.L. Everette and D.M. Schneider. 2003. Existing data on colonies of bats in the United States: summary and analysis of the U.S. Geological Survey's Bat Population Database. In: O'Shea, T.J., and M.A. Bogan (eds.). Monitoring trends in bat populations of the United States and territories: problems and prospects. Information and Technology Report 2003-0003. U.S. Geological Survey. 127-237 p.
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- Sauer, J. R., J. E. Hines, and J. Fallon. 2008. The North American Breeding Bird Survey, Results and Analysis 1966 - 2007. Version 5.15.2008. USGS Patuxent Wildlife Research Center, Laurel, MD. Available online: <http://www.mbr-pwrc.usgs.gov/bbs/>.
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**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

1595 Wynkoop Street
DENVER, CO 80202-1129
Phone 800-227-8917
<http://www.epa.gov/region08>

MAR 02 2010

Ref: 8EPR-N

Comment Reference
Document 4

Western Area Power Administration
Attention: Liana Reilly
P.O. Box 281213
Lakewood, CO 80228-8213

Re: Comments on the South Dakota
PrairieWinds Project Draft Environmental
Impact Statement
CEQ # 20100000

Dear Ms. Reilly:

The U.S. Environmental Protection Agency (EPA) Region 8 has reviewed the Draft Environmental Impact Statement (EIS) for the South Dakota PrairieWinds Project (Project) prepared by the Western Area Power Administration (Western) and Rural Utilities Service (RUS). Our comments are provided for your consideration pursuant to our responsibilities and authority under Section 102(2)(C) of the National Environmental Policy Act (NEPA), 42 U.S.C. Section 4332(2)(C), and Section 309 of the Clean Air Act, 42 U.S.C. Section 7609. It is EPA's responsibility to provide an independent review and evaluation of the potential environmental impacts of this project, which includes a rating of the environmental impact of the proposed action and the adequacy of the NEPA document.

4.1

In accordance with our policies and procedures for reviews under NEPA and Section 309 of the Clean Air Act, EPA has rated this Draft EIS as "Environmental Concerns - Insufficient Information" (EC-2). Our environmental concerns are due to potential for wetland impacts, surface disturbance, sediment runoff, and cumulative impacts to water resources and wildlife habitat. Additional information regarding air quality impacts, water resources, and wetlands in the project area is needed to ensure that environmental effects are properly evaluated in accordance with NEPA. A copy of EPA's rating criteria is attached.

PROJECT BACKGROUND

PrairieWinds SD1, Incorporated, a wholly owned subsidiary of Basin Electric Power Cooperative (Basin Electric), proposes to construct a new 151.1-megawatt nameplate capacity wind energy facility in south-central South Dakota. Two alternative locations are proposed: the Crow Lake Alternative project area covers 37,000 acres located 15 miles north of White Lake, SD, and the Winner Alternative project area covers 83,000 acres located 8 miles south of Winner, SD. Each alternative includes 101 turbines, 30-40 miles of new access road, 30-40

miles of upgraded existing road, crane walks, 60 miles of underground collector system, and 10-11 miles of new transmission line.

EPA CONCERNS

4.2 → EPA commends Basin Electric for making wind-powered electricity a part of their energy portfolio. We also thank Western and RUS for recognizing that, while the use of renewable rather than conventional energy technologies can be a great benefit on the global or regional scale, effects to the local environment must still be carefully considered. An explanation of our primary concerns with the project is contained in the following paragraphs. Our primary concerns include surface disturbance, impacts to wetlands and other water resources, and cumulative impacts. Additional information pertaining to the project is found in the enclosed Detailed Comments.

Surface Disturbance

4.3 → EPA is concerned with the amount of surface disturbance estimated for the proposed project. Although the majority of the surface disturbance associated with the proposed project, and wind projects in general, is temporary, this disturbance should be minimized to the maximum extent practicable. Temporary surface disturbances create potential for long-term environmental impacts including erosion, invasive plant species growth, and loss of habitat. We recommend Western and RUS consider ways to reduce temporary surface disturbance from the proposed project, and require of all contractors that surface disturbance be reduced to the maximum extent practicable. We particularly note that crane walks present an opportunity for

4.4 → significant disturbance, creating 40-foot wide pathways. For the Crow Lake alternative, temporary disturbance due to crane walks is greater than that of access roads. EPA recommends Western and RUS look for ways to maximize use of access roads for crane movement, and minimize cross-country crane walks, after final turbine layout is determined. Minimization of disturbance due to crane walks should be specifically required of contractors.

Water Quality

The Draft EIS identifies organic loading as a concern for both proposed project alternatives, signified by the listed impairments for total suspended solids (TSS) of streams and water bodies in the project area. EPA is concerned that surface disturbances associated with project construction have the potential to result in increased sediment loading. We recommend that the Stormwater Pollution Prevention Plan (SWPPP) be included as an appendix to the Final EIS. Additionally, the Final EIS should disclose who will be responsible for implementing the SWPPP. Runoff of sediments is a potential concern beyond the construction phase. Western and RUS should develop an operational plan for finding and solving runoff problems, such as from erosion of an access road or turbine pad.

4.6

Wetland Impacts

4.7 → Additional information regarding wetland locations and avoidance measures needs to be included in the EIS to support the conclusion in the Draft that “impacts would be less than significant.” A wetland delineation for the proposed project has not yet been completed, nor has a permit been sought under Section 404 of the Clean Water Act. We recommend that a

4.8 → jurisdictional determination be obtained from the U.S. Army Corps of Engineers (USACE) prior

to completion of the Final EIS. We note that USACE can only permit the least environmentally damaging practicable alternative (LEDPA) in accordance with 40 CFR Part 230, the Section 404(b)(1) Guidelines. Further, we note that Executive Order 11990 directs Federal Agencies to "take action to minimize the destruction, loss or degradation of wetlands, and to preserve and enhance the natural and beneficial values of wetlands in carrying out the agency's responsibilities" and agencies are further directed, to the extent permitted by law, to "avoid undertaking or providing assistance for new construction located in wetlands unless the head of the agency finds (1) that there is no practicable alternative to such construction, and (2) that the proposed action includes all practicable measures to minimize harm to wetlands which may result from such use...." In addition, national wetlands policy has established an interim goal of "No Overall Net Loss of the Nation's Remaining Wetlands" and a long-term goal of increasing quantity/quality of the Nation's wetlands resource base ("Presidential Wetland Policy of 1993").

4.9 → In accordance with the intent of the order and national policy, EPA suggests a mitigation commitment that indirect draining of, or direct disturbance of, all wetland areas will be avoided if at all possible.

4.10 → The Draft EIS provides estimated permanent and temporary wetland impacts for each Alternative, but does not indicate how these estimated acreages were calculated. Please include further detail on how permanent and temporary impacts are defined and quantified for the project in the Final EIS. These impacts should take into account specific proposed locations for turbine pads, access roads, and communication lines as much as possible, rather than be generalized estimates.

Cumulative Impacts

4.11 → In accordance with CEQ regulations defining cumulative effects, we recommend that the discussion of past, present, and reasonably foreseeable future actions in the Draft EIS be expanded to include a wider range of actions that have occurred or are likely to occur in the project area. This includes analysis and disclosure of the impacts of activities on private adjacent land irrespective of what agency/entity has decision-making authority or analysis responsibility. For example, cumulative impacts to resources of concern for the proposed project may be contributed to by agriculture or construction, maintenance, and use of roads.

4.12 → In addition, cumulative effects should be addressed for all resource categories for which the project has potential to directly or indirectly impact. EPA believes the project has potential to impact water resources, including water quality and wetlands, and that these resources should be added to the cumulative impacts section of the Final EIS.

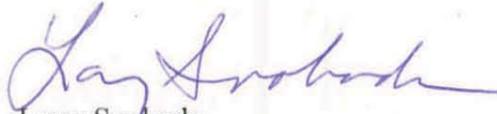
Additional Project Area

At the February 11, 2010, interagency meeting on the Draft EIS, we were informed that, since completion of the document, South Dakota Wind Partners, LLC, a locally owned cooperative, had approached Western with a request to add seven turbines inside the Crow Lake Alternative area. The proposed location for these additional turbines is in the northwest corner of the proposed Crow Lake Alternative project area. A 5-6 mile underground collector line would connect the South Dakota Wind Partners' turbines to the proposed collector substation. Operations and maintenance would be provided by Basin Electric. This additional proposed action will be included in the Final EIS for PrairieWinds.

- 4.13 → Although ten additional turbine locations were analyzed in the Draft EIS, in case of future project expansion or need for an alternate turbine site, EPA does not feel that this analysis adequately covers the addition of the South Dakota Wind Partners' proposed action. There was no analysis for turbines, access roads, collector lines, etc. in the portion of the project area proposed for this addition.
- 4.14 → The Final EIS should include a location-specific analysis of impacts to all resources of concern resulting from the proposed addition. This analysis may be added as a separate subsection of the document or included in the Crow Lake Alternative analysis.

Thank you for the opportunity to comment on this Draft EIS. We hope that our comments regarding potential for wetland impacts, surface disturbance, sediment runoff, and cumulative impacts will be of value to Western and RUS in preparing the Final EIS. We also look forward to additional information regarding air quality, water quality, and wetlands in the project area. If you have any questions on the comments provided in this letter, please contact me at _____, or you may contact Molly Brodin of my staff at _____.

Sincerely,



Larry Svoboda
Director, NEPA Compliance and Review Program
Office of Ecosystems Protection and Remediation

Enclosures: Detailed Comments
EPA's Rating System Criteria

cc: Dennis Rankin, Rural Utilities Service



EPA'S DETAILED COMMENTS FOR THE SOUTH DAKOTA PRAIRIEWINDS PROJECT DRAFT EIS

Wetland Impacts

4.16 → Under section 4.2.2 – Significance Criteria, the final bullet point should be expanded to include both jurisdictional and non-jurisdictional wetlands. We also recommend that the wetlands mitigation efforts be more fully defined in the Final EIS. For example, the document could identify potential locations for mitigating non-jurisdictional wetland impacts or clarify whether the mitigation will occur in one location or throughout the project area. There may be opportunities in this area for Basin Electric to mitigate wetland losses in the same area by returning nearby historic wetlands that have been farmed to functioning wetlands. Wetland mitigation efforts should include the upland area associated with wetland hydrology and habitat values. EPA notes that, in accordance with the CWA Section 404(b)(1) Guidelines, wetland impacts should be avoided and minimized, to the maximum extent practicable, and then unavoidable wetland impacts should be compensated for through wetland restoration, creation, or enhancement.

4.17 →

4.18 → Additional information regarding the location of wetlands in the project area should be included in the Final EIS. If project timing does not permit a field delineation to be completed prior to release of the Final EIS (such as if the project area is still snow covered) the document should include National Wetlands Inventory (NWI) maps. Contractors should be required to avoid all wetlands included in the NWI maps and any field delineated wetlands. We recommend that Basin Electric coordinate in the field during project construction with USACE, in the case of jurisdictional wetlands, or U.S. Fish and Wildlife Service (FWS), in the case of non-jurisdictional wetlands, to ensure that wetland impacts are avoided to the maximum extent practicable.

Water Resources

4.19 → EPA appreciates figures 3.2-1 and 3.2-2, depicting the major water bodies and subbasins in the project area for the Crow Lake and Winner Alternatives, respectively. However, due to the scale of the maps, it is difficult to anticipate the likelihood of direct impacts due to runoff from roads, turbine pads, etc. We recommend the Final EIS include a map at project-area scale for each of the proposed alternatives, including all anticipated areas of proposed surface disturbance as well as all known water bodies. Addition of these figures will inform a better understanding of potential for runoff impacts to surface water resources.

Air Quality

As was noted in EPA's scoping comments for the Project (sent on May 14, 2009), dust particulates from construction and ongoing operations on roadways are important concerns. Airborne dust may not only be a visual nuisance, but can be potentially dangerous to asthma sufferers. Additionally, sedimentation run-off can severely impact the aquatic environment, and blowing dust may impact the flora and fauna of the area. It is unclear from the Draft EIS how Western and RUS determined that near-field particulate matter emissions from the Project would be within National Ambient Air Quality Standards (NAAQS). The Final EIS should include a quantification of emissions and determination of potential air quality impacts of the project. A

4.21 → specific list of Best Management Practices (BMPs) that will be employed to minimize fugitive dust emissions should be provided in the Final EIS; this list should provide greater detail than what is currently presented in Table 2.2 and Table 2.3.

4.22 → EPA recommends that dust control measures be required of contractors for the Project. Effective dust control may include additional road treatment, such as dust suppression agents. Reduced vehicle speeds in the project area may also be effective in mitigating particulate matter emissions.

4.23 → EPA does not agree with the conclusion in the Draft EIS that dust impacts would be restricted to short periods during construction or decommissioning. Access roads will remain open and carry operations and maintenance traffic throughout the life of the project, and specific dust control mitigation strategies should be part of the operating requirements to minimize air quality impacts.

Climate Change

We thank Western and RUS for quantifying the estimated greenhouse gas emission reduction associated with the proposed project relative to South Dakota's average emissions from fossil fueled generating stations. Further, EPA is pleased to see Western's plans to minimize leaks of sulfur hexafluoride (SF₆) at Substations used for interconnection of the proposed Project.

4.24 → We recommend providing additional detail on specific mitigation and monitoring measures to be employed to ensure complete documentation of SF₆ emission reduction efforts. This detail could be provided in a SF₆ Handling and Use Policy as an appendix to the Final EIS. If any SF₆ will be used in facilities operated and maintained by the project proponent (i.e., collector substation or transmission line), discussion of Basin Electric's plans to minimize leaks of SF₆ should be included in the Final EIS.

4.25 → Additionally, we recommend Basin Electric join EPA's SF₆ Emission Reduction Partnership for Electric Power Systems. This partnership is a collaborative effort between EPA and the electric power industry to identify and implement cost-effective solutions to reduce emissions.

Surface Disturbance

4.26 → EPA is concerned with the amount of temporary surface disturbance estimated for the proposed project, which creates potential for long-term environmental impacts including erosion, invasive plant species growth, and loss of habitat. Permanent surface disturbance also presents a potential environmental impact to the project area. In addition to the best management practices identified in Table 2.2, we recommend that permanent surface disturbance associated with access roads be reduced to the maximum extent practicable, by utilizing transportation planning to establish proper road location and design, and using primitive two-track roads where possible.

4.27 → We are particularly alarmed by the number of temporary acres of disturbance associated with access roads for the Winner alternative. The temporary disturbance of 1,710 acres for access roads in this alternative is almost 7 times the permanent disturbance. By contrast, the temporary disturbance for access roads in the Crow Lake alternative is only 2 times the permanent impacts. If the figure of 1,710 acres is correct, please explain in the Final EIS what factors are resulting in the need for such significant temporary disturbance, and consider ways to minimize this disturbance.

4.28 EPA is pleased to see inclusion of provisions to reduce introduction of noxious weed seed during Project construction in the Draft EIS. We recommend the Final EIS include further detail regarding follow-up monitoring and control strategies. Specifically, please define who will implement post-construction noxious weed control and how it will be financed. Western and 4.29 RUS may want to consider including a Weed Management Plan as an appendix to the Final EIS. This plan should identify the noxious weeds and exotic plants likely to occur in the project area and detail a strategy for prevention, early detection of invasion, and control procedures for each species.

Cumulative Impacts

As identified in the Draft EIS, the proposed Project “would likely result in avian and bat mortalities, mainly as a result of habitat fragmentation, and potential collisions with new overhead transmission lines and wind turbines.” Further, the document notes that the presence of turbines along with operation and maintenance activities could result in avoidance and abandonment of habitats in the project area. These potential project impacts, when added to all other past, present, and reasonably foreseeable activities in the project area, are of particular concern for Special Status species including Whooping Crane, Greater Prairie Chicken, and Sharp-tailed Grouse. We recommend that the cumulative impacts analysis for these species be expanded to discuss in greater detail how past activities have affected species habitat, and how the proposed project is likely to contribute to this impact. This discussion should include the relevant Region of Influence (ROI) for each species and should attempt to quantify the extent to which suitable habitat has already been affected as well as the incremental additional impact predicted to result from the proposed Project. 4.30

National Historic Preservation Act

EPA commends Western's commitment to identifying and avoiding adverse impacts on historic properties. We have the following concerns and recommendations:

- 4.31 → 1. We could find no rationale for the selection of federally recognized tribes to receive the consultation letter at Appendix F. We recommend that the Oglala Sioux tribe be included in the process, and that the Final EIS include an explanation of how Western chose which tribes would be consulted.
- 4.32 → 2. We recommend that the Final EIS include a separate summary of the National Historic Preservation Act (NHPA) Section 106 consultation process, including the steps completed to date and those remaining to be accomplished.
- 4.33 → 3. Section 5.4.3 – Cultural Resources states that a memorandum of agreement (MOA) is being developed to ensure compliance with Section 106 requirements. Because the MOA has not yet been developed, it should be made publicly available as soon as it is signed, and should be included in the Final EIS.
- 4.34 → 4. The sixth row in Table 1.1, regarding NHPA Section 106, should list Tribes in addition to Western, RUS, and the State Historic Preservation Office.

Endangered Species Act

4.35 The biological assessment (BA) addressing potential impacts to Federally-listed species was not completed prior to release of the Draft EIS. The Draft EIS (p. 88) states, "More detailed information (i.e. legal status, species ecology, local distribution) from the BA will be presented in the FEIS". EPA recommends that further information from the BA be included in the Final EIS. Beyond additional information on the species, we recommend Western include specific information on potential impacts to listed species and critical habitat, any mitigation measures, and other relevant information based on further assessment and communications with FWS. We request that the BA and FWS response be included in the Final EIS.

Western System Modifications

4.36 The Draft EIS discusses potential need for modification to Western's transmission system to accommodate the proposed project. However, details of these modifications, including environmental impacts, are not provided because all transmission system studies have not been completed. EPA recognizes the difficulty of quantifying these impacts at the Draft EIS stage for the Project, however, we believe that these modifications should be considered connected actions to the proposed project. Any additional details for the connected system modifications available should be provided in the Final EIS. If there is not enough information yet known to quantify environmental impacts, a qualitative approximation should be provided.

U.S. Environmental Protection Agency Rating System for Draft Environmental Impact Statements

Definitions and Follow-Up Action*

Environmental Impact of the Action

LO -- Lack of Objections: The Environmental Protection Agency (EPA) review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

EC -- Environmental Concerns: The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce these impacts.

EO -- Environmental Objections: The EPA review has identified significant environmental impacts that should be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no-action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

EU -- Environmentally Unsatisfactory: The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potential unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the Council on Environmental Quality (CEQ).

Adequacy of the Impact Statement

Category 1 -- Adequate: EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis of data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

Category 2 -- Insufficient Information: The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new, reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses or discussion should be included in the final EIS.

Category 3 -- Inadequate: EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the National Environmental Policy Act and/or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

* From EPA Manual 1640 Policy and Procedures for the Review of Federal Actions Impacting the Environment. February, 1987.

Preliminary Draft EIS for the South Dakota Prairie Winds Project

LECL reviewed Sections 3.8 and 4.8 on visual resources and has the following comments:

Portions of I-90 and SR50 are included in the Lewis and Clark Trail Driving Route (LCTDR), part of the Lewis and Clark National Historic Trail (NHT). The LCTDR is a network of roads that generally tracks the Lewis and Clark NHT along the Missouri River and provides vistas as well as historic markers. [page 3-2]

5.1 ➤ Public roads marked to commemorate the Lewis and Clark Expedition route are more commonly referred to as the Lewis and Clark National Historic Trail auto tour route.

Designation of Key Observation Points (KOPs):

5.2 ➤ The draft assesses visual impacts at sites where followers of Lewis and Clark National Historic Trail (the Trail) would likely be viewing static scenes. However, the visual assessment should give equal consideration to visual impacts along the rest of the historic trail and auto tour route. Even though duration of view at any single point may be brief, the open, relatively level landscapes of the potential project areas provide persistent views of distant scenes while travelling. Views of wind turbines, even in the background may degrade the experience.

5.3 ➤ The NPS is particularly concerned about cumulative impacts from multiple wind power projects on visual resources of the Trail. A thorough cumulative impacts analysis should be provided in the EIS that considers existing and reasonably foreseeable future wind development along the Trail.

Simulation of impacts:

5.4 ➤ The methods used for the visual analysis are unclear. There are different visual simulation models available that vary in accuracy. Additional information on the computer methods used to develop the visual simulations is needed as well as the number, height and placement of the turbines modeled in order to evaluate the validity of conclusions reached.

We appreciate the consideration given to visual impacts along the Lewis and Clark Trail, including the auto tour route and the opportunity to provide comment on the draft. Please direct

5.5 ➤ any questions to Natural Resource Specialist, Suzanne Gucciardo at 402-661-1874 or Suzanne_Gucciardo@nps.gov.

South Dakota PrairieWinds Project Draft Environmental Impact Statement

State of South Dakota Agency Comments

Department of Natural Resources (2 Submittals)
South Dakota Game, Fish & Parks

From: <Matt.Hicks@state.sd.us>
To: <sdprairiewinds@wapa.gov>
CC: <Matt.Hicks@state.sd.us>
Date: 3/1/2010 2:59 PM
Subject: Prairie Winds Wind Energy Project
Attachments: 4850_001.pdf; SiteData11.xls

Comment Reference
Document 6

Ms. Reilly,

Attached is the SDENR Ground Water Quality Environmental Assessment for the Prairie Winds Wind Energy Project. A hard copy will follow in the mail. If you have any questions, please feel free to contact me.

Thanks,

Matt Hicks, Senior Hydrologist

South Dakota DENR

523 East Capitol

Pierre, SD 57501

Phone: 605-773-3296

Fax: 605-773-6035



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

March 1, 2010

Ms. Liana Reilly
Western Area Power Administration
PO Box 281213
Lakewood, CO 80228-8213

Re: Prairie Winds SD1, Inc. 151.5 Megawatt Wind Energy Facility

Dear Ms. Reilly:

The Ground Water Quality Program of the South Dakota Department of Environment and Natural Resources (Department) has reviewed the above-referenced project for potential impacts to ground water quality. Based on the information submitted in your letter to John Miller, dated January 13, 2010, the Department does not anticipate adverse impacts to ground water quality by this project. However, portions of the proposed project at the Winner site encompass some Zone "A" drinking water source areas.

6.1

There have been numerous petroleum and other chemical releases throughout the state. Of the releases reported to the Department, we have identified a number of release cases potentially in the vicinity of the two proposed locations of your project. A list of these releases is included with this letter.

6.3

However, the locational information provided to us regarding releases is sometimes inaccurate or incomplete. If you would like to do more research regarding releases, information on releases reported in South Dakota may be obtained at the following website:

6.4

www.sddenr.net/env_events/

6.5

In the event that contamination is encountered or spilled during construction activities, Prairie Winds SD1, Inc., or its designated representative, must report the contamination to the Department at (605) 773-3296.

6.6 > Any contaminated soil encountered must be temporarily stockpiled and sampled to determine disposal requirements, and the materials of construction through the contaminated area should be evaluated for chemical compatibility and adjusted accordingly.

6.7 > Thank you for providing the Department the opportunity to comment on this project. If you have any questions regarding the information provided, please contact me at the number listed below.

Sincerely,



Matt Hicks
Senior Hydrologist
Ground Water Quality Program
South Dakota DENR
Telephone: 605-773-5337

Enclosure:

id	site_name	city	street	material	status	r1
86.051	Gary Bessey Farm	Wessington	Gary Bessey Farm (Anina Township)	Pesticide	C	JA
90.208	Pierre Farmers Elevator	White Lake	13 Mi. N. Of White Lake	Diesel Fuel	C	KK
94.311	Dod/fud Mitchell Precision Bombing Range #3	Mitchell	Mitchell Precision Bombing Range #3	Black Powder Spotting	O	BW
94003	U.S. West Radio Tower (SDT64393)	Winner	0.66 mi. south of Winner		C	JA
96008	Midco Tower # 14	White Lake	10 miles North and 2 miles West		C	RC
2001271	Abandoned Tank Project - Thomas Fa Kimball	White Lake	36586 245th Street		C	KM

Comment Reference Document 6
Attachment 1



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

February 25, 2010

Comment Reference
Document 7

Liana Reilly
Western Area Power Administration
PO Box 281213
Lakewood, CO 80228-8213

Dear Ms. Reilly:

The South Dakota Department of Environment and Natural Resources (DENR) reviewed the South Dakota Prairie Winds Draft Environmental Impact Statement. Based on the general information provided the DENR has the following comments:

- 7.1 → 1. The department does not anticipate any adverse impacts to drinking waters of the state. The Drinking Water Program has no objections to this project. However, it is requested that the rural water provider in the area be notified to ensure that the cable installations do not adversely impact the existing water distribution systems that may be present.
- 7.2 →
- 7.3 → 2. Based on the information provided, the department does not anticipate any adverse impacts to the air quality of the state. The Air Quality Program has no objections to this project.
- 7.4 → 3. A Surface Water Discharge (SWD) permit may be required if any construction dewatering should occur. Please contact this office for more information.
- 7.5 → 4. At a minimum and regardless of project size, appropriate erosion and sediment control measures must be installed to control the discharge of pollutants from the construction site. Any construction activity that disturbs an area of one or more acres of land must have authorization under the General Permit for Storm Water Discharges Associated with Construction Activities. Contact the Department of Environment and Natural Resources for additional information or guidance at 1-800-SDSTORM (737-8676) or www.state.sd.us/denr/des/surfacewater/stormwater.htm.
- 7.6 →
- 7.7 → 5. Surface water bodies are considered waters of the state and are protected under the South Dakota Surface Water Quality Standards. The discharge of pollutants from any source, including indiscriminate use of fill material, may not cause destruction or impairment except where authorized under Section 404 of the Federal Water Pollution Control Act. Please
- 7.8 → contact the U.S. Army Corps of Engineers concerning this permit.

7.9

6. The Waste Management Program does not anticipate any adverse impacts. All waste material must be managed according to our solid waste requirements. Please contact the Waste Management Program if you have any questions on asbestos or solid waste disposal requirements at [redacted]

7.10

Thank you for the submitting this information, however, the DENR requests the opportunity to review this project again when the information becomes more specific. If you have any questions

7.11

concerning these comments, please contact me at [redacted]

Sincerely,



John Miller
Environmental Program Scientist
Surface Water Quality Program

cc: Brad Schultz, Air Quality Program
Mark Mayer, Drinking Water Program
Vonni Kallemeyn, Waste Management Program



Foss Building
523 East Capitol
Pierre, South Dakota 57501-3182

March 1, 2010

Comment Reference
Document 8

Ms. Liana Reilly
Western Power Administration
P. O. Box 281213
Lakewood, CO 80228-8213

Dear Liana Reilly,

This is in response to your invitation to review the Draft Environmental Impact Statement (DEIS) that attempts to address the relevant issues and alternatives to the proposed South Dakota Prairie Winds wind power project. The Prairie Winds project will be approximately 151 MW of nameplate capacity wind power a location in Tripp County, near Winner, SD or at a location in Jerauld, Aurora, and Brule counties, near Wessington Springs, SD.

8.1 → Please note that I have reviewed information relevant to wildlife species and their associated habitats for the proposed Crow Lake site alternative only. I provide a specific reference (page, table, or figure number) for each of my comments, questions, or suggestions.

8.2 → **Page 70-** South Dakota Codified Law 34A-2-1 refers to water pollution and maintaining integrity of the waters of the state and to coordinate with others to maintain it. South Dakota Codified Law 38-7-1 refers to soil conservation. Both of these laws are inappropriate to cite as it pertains to the Wildlife Diversity Program. If you prefer to cite laws that support the need for our Wildlife Diversity Program, I'd suggest SDCL 34A-8-6, and 34A-8-2.

8.3 → A more appropriate description of the South Dakota Natural Heritage Program, which is housed within the Wildlife Division of South Dakota Game, Fish, and Parks, is a program that is part of an international network of biological inventories that collect and manage data, develop products, tools, and services to meet conservation needs.

8.4 → In the second paragraph of page 70, replace "covers" animals and plants with "includes" animals and plants.

8.5 → 8.6 → **Figure 3.4-2 and 3.4-4-** To clarify the Natural Heritage Program data for the reader who is not familiar with these data, I would recommend including the last observed date for each record in these figures. This information was included with the Natural Heritage Database report provided on January 12, 2009 for the Crow Lake Site and December 20, 2008 for the Tripp County Site.



8.7 → **Page 72-**. Please note that an area that has been plowed at one time, but has reverted back to prairie (i.e. go-back land) still has value to grassland wildlife.

8.8 → **Table C-1-**. The correct spelling is White-rumped “S”andpiper. Note that spring peepers have not been documented in SD. This may have been a misidentification.

8.9 → **Table C-2-**. The correct spelling is Upland “S”andpiper, “S”harp-tailed Grouse, and *Spiza “a”mericana*.

8.10 → 8.11 → 8.12 → It appears that Horned Larks are quite abundant during migration. Be watchful for potential direct impacts to this species during post-construction monitoring.

8.13 → **Table C-3-**. Upland Sandpipers, Chestnut-collared longspurs, and Grasshopper Sparrows appear “abundant” in the project area. Be watchful for potential indirect and direct impacts to these species during post-construction monitoring.

8.14 → **Table C-3-**. Upland Sandpipers, Chestnut-collared longspurs, and Grasshopper Sparrows appear “abundant” in the project area. Be watchful for potential indirect and direct impacts to these species during post-construction monitoring.

8.15 → McCown’s Longspur has not been a documented breeding species in SD since 1910. This record was in the northwestern part of the state in Harding County. The species is currently considered a rare migrant. The last indication of breeding status (not confirmed, but probable) was in 1993 and was based on bird behavior, again located in the northwestern portion of the state.

8.16 → **Page 84-**. The DEIS lists mentions there are few intact native grasslands in the area. This statement is unclear and potentially misleading. Over 60% of the proposed project area is in mixed-prairie (Table 3.4-1). Comparatively, this area may have some of the last remaining native grasslands that are left.

8.17 → **Page 91-**. Bald eagles breed along the Missouri, James, Big Sioux, Grand, Moreau, and Belle Fourche rivers. This species is also known to breed in the Black Hills. New nests are continually being discovered. Please report any new nests.

8.18 → 8.19 → **Table 3.4-8-**. Our Department appreciates the attention given to the Species of Greatest Conservation Need and the Level 1 bird species.

8.20 → McCown’s Longspurs is considered a rare breeder in northwestern South Dakota and a breeding record in the Crow Lake project area would be considered quite rare.

8.21 → **Page 93-96-**. Are you referencing the bird species information from Terry Sohl’s website or the 1992 Breeding Bird Atlas? The Breeding Bird Atlas reference would be more appropriate.

8.22 → **Page 96-**. McCown’s Longspur is not a summer resident throughout South Dakota.

8.23 → **Page 158-**. Listing of the criteria used to designate what is significant and what is not was helpful in reviewing the document.

- 8.24 → The loss of or impacts to native prairie should be considered significant.
- 8.25 → What are your plans to mitigate any significant impacts?
- 8.26 → How is viability measured?
- 8.27 → It is unclear what the intended definition of policy is under “Significance Criteria” (#2 under Wildlife). Is this the same as a state statute? I would suggest saying law and policy as there is a state threatened and endangered species law and laws to protect game species.
- 8.28 → **Page 159-**. Please note that “take” for state-listed species is only issued for scientific, zoological or educational purposes or for the propagation of a species for its continued survival.
- 8.29 → **Page 161-**. Much of the project area is not tilled for agriculture. The project area is 30% cropland and over 60% grassland. Put turbines, roads, and infrastructure in cropland as much as feasible.
- 8.30 → **Page 162-**. One of the main concerns regarding habitat impacts is not direct loss, but the indirect impacts to habitat reflected in behavioral avoidance and habitat degradation.
- 8.31 → Unless a standardized method of categorizing or quantifying grassland quality was performed and studies were conducted to determine the survival and productivity of the wildlife community in the proposed project area, the statement that “the overall habitat quality has been reduced by grazing...” can not be made. Grazed grasslands, especially those that have no cropping history provide needed habitat for grassland wildlife.
- 8.32 → The direct loss of less than 0.4% habitat is not a major issue. Indirect impacts to habitats needed by area-sensitive grassland wildlife are the primary habitat issue.
- 8.33 → Population level effects on small mammals due to habitat loss “are expected to” be minimal.
- 8.34 → **Page 162-163-**. I would expect that fragmentation of forested habitat, not grassland habitat, would negatively impact bat species. Please elaborate.
- 8.35 → **Page 163-**. Foraging habitat fragmentation would occur if the habitat impacted is shrubby in wetland areas.
- 8.36 → Look at page 319 of Kunz et al. (2007). Note this is the best available information on the topic. I don't think you can say that there are no population impacts to bats from wind turbine strikes in South Dakota, we just don't know.

- 8.37 → White-nose syndrome is found in caves; it doesn't apply to the Crow Lake area.
- 8.38 → Migratory bats are hardest hit by wind turbines. Surveys in 2009 targeted the summer and partial fall seasons (May-Sept), not the peak migratory periods.
- 8.39 → Please note that the Northern leopard is under consideration by the U. S. Fish and Wildlife Service for listing under the Endangered Species Act.
- 8.40 → **Page 165-** Please provide a copy of the post-construction monitoring reports to our agency.
- 8.41 → Are there plans for monitoring post-construction bat use?
- 8.42 → **Page 168-** Our agency is currently reviewing a draft survey and monitoring document that will help address some of our concerns regarding prairie grouse species.

The SDGFP appreciates the opportunity to provide comments. If you have any questions on the above comments, please feel free to contact me at _____ or

- 8.43 → _____

Regards,



Silka L. F. Kempema
Terrestrial Wildlife Biologist

Literature Cited

Kunz, T. H., E. B. Arnett, W. P. Erickson, A. R. Hoar, G. D. Johnson, R. P. Larkin, M. D. Strickland, R. W. Thresher, and M. D. Tuttle. 2007. Ecological impacts of wind energy development on bats: Questions, research needs, and hypothesis. *Frontiers in Ecology and the Environment* 5:315-324.

South Dakota PrairieWinds Project Draft Environmental Impact Statement

Native American Tribes Comments

Desrosiers, Diane (Sisseton-Wahpeton Oyate) (2 Submittals)

Gravatt, Lana (Yankton Sioux Tribe)

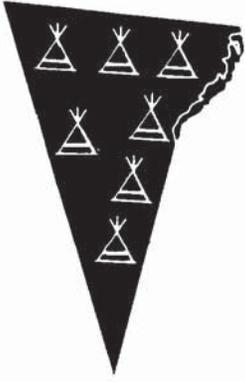
Jones, Cora (Santee Sioux Tribe)

Mentz, Tim (Standing Rock Sioux Tribe)

Russell Bear Eagle (Rosebud Sioux Tribe)

Waste' Win Young (Standing Rock Sioux Tribe) (2 Submittals)

Youpee Young Eagle (Standing Rock Sioux Tribe, Fort Peck, &
Yankton Sioux Tribe)



Sisseton-Wahpeton Oyate

LAKE TRAVERSE RESERVATION
P.O. Box 509
100 Veterans Memorial Drive
Agency Village, South Dakota 57262-0509
Phone: (605) 698-3911

Comment Reference
Document 9

February 23, 2010

Ms. Liana Reilly, NEPA-DM
Western Area Power Administration
Natural Resource Office
12155 West Alameda Parkway
Lakewood, CO 80228-8213

Dear Ms. Reilly:

I am the Tribal Historic Preservation Officer for the Sisseton Wahpeton Oyate located in northeastern South Dakota. I would like to take this opportunity to request additional information regarding the "South Dakota Prairie Winds Project" to complete our comments to the Draft Environmental Impact Statement for this project

- 9.1 → The Draft EIS for this project has very limited information in the Cultural Resources section 5.4.3 to provide any comments for the EIS. Until we receive additional information, my office cannot provide adequate recommendations with regard to our interests in the cultural resources which can potentially be impacted by this project. Furthermore, we would like to reserve our right to provide comments once this occurs.
- 9.2 →
- 9.3 → This draft EIS does not contain information regarding the archaeology conducted for this project.
- 9.4 → I understand that Metcalf Archaeology Consultants produced a report on this project but the Tribes have yet to receive a draft report for consultation under Section 106 of the National Historic Preservation Act, as amended in 1992. Our office has not been consulted on the TCP Survey conducted and would also request consultation on both documents with Western Area Power Administration (WAPA).

- 9.5 → WAPA has the responsibility to involve Tribes in the findings and determinations made during the section 106 process (36CFR800.2 (a) (4) and should initiate consultation immediately with the findings and determinations of the Metcalf Report.
- 9.6 → The Agency Official could use the NEPA process for section 106 purposes, *“if the agency official has notified in advance the SHPO/THPO and the Council that it intends to do so and the ...standards are met.”* (36CFR800.8 (c)
- 9.7 → The requirements to 36 CFR 800.8 (c) (1) have not been met and we are initiating the requirements in 36 CFR 800.8 (c). Currently, our office cannot submit comments regarding proposing measures to avoid, minimize or mitigate any adverse effects of the undertakings on historic properties that are not described in the DEIS. Because of this action, the standards have not been met in 36 CFR 800.8 (c) (1) and we make a formal objection to the DEIS, (36 CFR 800.8 (c) (2) (ii)).
- 9.8 → The resolution of effects on historic properties that could be proposed as comments by the Sisseton Wahpeton Oyate THPO in the DEIS cannot be achieved because consultation hasn't occurred with tribes (36 CFR 800.8 (c) (4))...hence, the DEIS is “inadequate” (36 CFR 800.8 (c) (2) (ii)).
- 9.9 → With the time-frame proposed, a Programmatic Agreement or a Memorandum of Agreement would be the other alternative the Federal agency may have. Have either of these documents been developed by WAPA or reviewed by the Tribes? If WAPA is considering a section 106 document the Sisseton Wahpeton Oyate is requesting to be a consulting party. A programmatic agreement must be developed to fulfill the requirements of Section 106 of the NHPA. I would urge your agency to pursue this effort as expeditiously as possible. These discussions have not occurred with either document and will not meet the NEPA timeline for a final EIS as the determination of effects and resolution of effects are required to be a part of finalizing an EIS for a Record of Decision (ROD), for this project. (36 CFR 800. (c) (4)&(5))
- 9.10 →
- 9.11 →
- 9.12 → The Sisseton Wahpeton Oyate THPO is formally requesting a (60) day extension to provide adequate input through formal consultation provided in section 106 of NHPA. The Metcalf Report or TCP Survey Report has not been discussed through consultation with THPO's and we cannot make adequate recommendations to avoid, minimize, or mitigate historic properties for either alternative, Crow Lake or Winner site.



9.13 → Your response is urgent given the timeline set by Western Area Power Administration and the USDA-RUS.

9.14 → You can contact me at [redacted] should you have a comment or question regarding this letter. My e-mail address is: [redacted].

Sincerely,



Dianne Desrosiers
Tribal Historic Preservation Officer
Sisseton Wahpeton Oyate

Cc: Steve Tromly, WAPA
Paige Hoskinson-Olsen, SD SHPO
Val Hauser, ACHP
Laura Dean, RUS





Sisseton-Wahpeton Oyate

LAKE TRAVERSE RESERVATION
P.O. Box 509
100 Veterans Memorial Drive
Agency Village, South Dakota 57262-0509
Phone: (605) 698-3911

Comment Reference
Document 10

March 1, 2010

**Ms. Liana Reilly, NEPA-DM
Western Area Power Administration
Natural Resource Office
12155 West Alameda Parkway
Lakewood, CO 80228-8213**

Re: *Comments to South Dakota Prairie Winds Project DEIS*

Dear Ms. Reilly:

The Sisseton Wahpeton Oyate Tribal Historic Preservation Office submits these comments regarding the "Draft Environmental Impact Statement for the South Dakota Prairie Winds Project" for your consideration.

Background:

The South Dakota Prairie Winds Project proposes to establish wind turbine generated electricity at two proposed locations in South Dakota, Crow Lake and Winner Site. Prairie Winds SD1, Inc. (Prairie Winds) is the applicant requesting Federal financial assistance from Rural Utilities Service (RUS) for this project; and, Basin Electric, owner of Prairie Winds, is requesting an interconnection within the Western Area Power Administration (WAPA) administered Transmission System. Both are requesting Federal action and have triggered the National Environmental Policy Act, (NEPA) review and internal policy review. This request could also trigger federal compliance to other laws applicable to the undertaking.

It was determined by both Co-lead agencies, WAPA and RUS, that applicant requests required an Environmental Impact Statement (EIS). This document addresses two Federal actions:

- a. Whether WAPA approves of a request from Basin Electric for a interconnection to the WAPA Transmission System and if transmission capacity is available;
- b. Whether RUS will approve and provide Federal financing to the applicant Prairie Winds, Inc. for the Project; accordingly, this would necessitate NEPA review which is one of the requirements: *"Ensure that NEPA and other requirements and RUS Environmental Policies and Procedures are satisfied prior to taking a federal action."*

10.1 → Western states it will use their NEPA procedures for public involvement pursuant to 36 CFR 800.2 (d) and but is still legally responsible for compliance to section 106 of the National Historic Preservation Act, (NHPA). This section 36 CFR 800.2 (d) (3) allows for use of agency procedures for the public. RUS also will use their Environmental Policies and Procedures which involves the public and also consultation with the Tribes.

10.2 → What is important to note in both processes is that Tribal Governments are not considered or in the classification of the general public, thus the public scoping meetings do not suffice as good faith consultation with interested tribes. The lead

10.3 → federal agency WAPA is responsible for initiating section 106 consultation with SHPO/THPO's, Tribes and the interested public regarding the Class III Archaeological Survey done for this project by Metcalf Archeological and the Traditional Cultural Property Survey report done by the Yankton Sioux Cultural Committee. This meeting has yet to occur and the results of these surveys should be reflected in this DEIS prior to its release allowing tribes to comment on the issues. These concerns cannot be made at this time.

Internal-Regulations of WAPA/RUS: BMP's and APM's:

10.4 → This DEIS makes references to internal policies and procedures to comply with NEPA for both WAPA and RUS. It is assumed that both processes authorize a BMP's or APM's as listed, for any future issues when considering mitigation of adverse impacts and recommend measures to satisfy section 106 of NHPA. These internal documents were never presented to the Tribes nor wasn't a tribal consultation item initiated by WAPA. Both these processes could be viewed as providing a conduit to mitigate potential adverse impacts to historic properties with no Tribal input.

Recommend:

10.5 → 1) The SWO-THPO cannot provide recommendations or comment regarding BMP's and APM's being allowed to be followed versus compliance to subpart B of 36



10.5 continued

CFR 800. These two items should have been attached so the commenter could have reviewed these processes to make an informed decision. We are requesting consultation on these documents as they can be construed as efforts to mitigate adverse impacts to historic properties.

10.6

2) Request review of the internal processes identified in DEIS for both WAPA and RUS whether these internal policies and procedures meet the requirements of section 106 of NHPA and report findings in FEIS.

Consultation:

Consultation must have transparency and should reflect the efforts in this document.

10.7

This DEIS lacks any information regarding any consultation conducted and what was the substance of discussion to initiate tribal consultation and generate a comment.

10.8

The DEIS in Chapter 3 lists three government-to-government consultation sessions with Tribes. Based on the lack of information, it is assumed this DEIS is construing government-to-government consultation sessions as consultation under section 106 with Tribes. We are aware that on the dates identified in the DEIS, meetings were held with THPO's discussing the processes in identification of sites and developing an agreement for services for a TCP Survey conducted by Yankton Sioux Tribe Cultural Committee and Mr. S. Lebeau. The Sisseton Wahpeton Oyate does not consider the earlier meetings "Government-to-Government" consultation.

The Sisseton Wahpeton Oyate THPO requests the DEIS correct this mis-understanding of what level of consultation occurred at the listed consultation meeting dates referenced in the DEIS. It is understood that section 106 consultation was being conducted on the dates listed, not government-to-government consultation as stated, please adjust this error. These two separate issues are listed below:

10.9

The Sisseton Wahpeton Oyate is represented by our Tribal Council who administers a Constitution for the members of our Tribe. These individuals are elected leaders comprising the Tribal Government. Any Federal agency who initiates E.O. 13175 Consultation and Coordination with Tribal Governments, must address the governing body of that Tribe to achieve true government-to-government consultation (36 CFR 800.2 (c) (ii) (2) (C)). Consultation must include this and potential adverse impacts can be addressed by the governing body, which they have a right to be consulted on beyond the responsibilities of the THPO's.

The Tribal Historic Preservation Officer is a consulting party when the section 106 process is initiated under subpart B of 36 CFR 800, regardless of location of historic properties or TCP sites. Generally a Federal agency official is required to identify Tribes



10.9 continued

and consult with them if a federal undertaking is initiated as required in 36 CFR 800. Any alternatives the federal agencies developed or in compliance to, require a MOA or PA to resolve adverse effects to historic properties and as such, are signatories or consulting parties to these documents only a federal agency can produce.

Chapter 5. Cultural Resources:

- 10.10 > The Draft EIS for this project has very limited information in the Cultural Resources Section 5.4.3 to provide any comments for the EIS. Until we receive additional information, i.e. Metcalf Class III Survey Report and the TCP Survey Report, the Sisseton Wahpeton Oyate THPO cannot provide adequate recommendations to be included in the comments to the DEIS and we would like to reserve our right to providing comments once this occurs.
- 10.11
- 10.12 > This draft EIS does not contain any information regarding the archaeology conducted for this project. We are with the understanding that Metcalf Archaeology Consultants produced a report on this project but the Tribes have yet to receive a draft report for consultation under Section 106 of the National Historic Preservation Act, as amended in 1992. Our office has not been consulted by Western Area Power Administration (WAPA) on the results of the TCP Survey which was conducted this past fall (2009) and request consultation on both documents.
- 10.13
- 10.14 > WAPA has the responsibility to involve Tribes in the findings and determinations made during the section 106 process (36CFR800.2 (a) (4) and should initiate consultation immediately with the findings and determinations of the Metcalf Report for this project.
- 10.15 > The Agency Official could use the NEPA process for section 106 purposes, *"if the agency official has notified in advance the SHPO/THPO and the Council that it intends to do so and the ...standards are met."* (36CFR800.8 (c))

Recommendation:

- 10.16 >1) The requirements to 36 CFR 800.8 (c) (1) have not been met and we are initiating the requirements in 36 CFR 800.8 (c). Currently, our office cannot submit comments regarding proposing measures to avoid, minimize or mitigate any adverse effects of the undertaking on historic properties that are not described in the DEIS. Because of this action, the standards have not been met in 36 CFR 800.8 (c) (1) and we make a formal objection to the DEIS, (36 CFR 800.8 (c) (2) (ii)).
- 10.17 >2) The resolution of effects on historic properties that could be proposed as comments by Sisseton Wahpeton Oyate THPO in the DEIS cannot be achieved



10.17 continued → because consultation hasn't occurred with tribes (36 CFR 800.8 (c) (4))...hence, the DEIS is "inadequate" (36 CFR 800.8 (c) (2) (ii)).

10.18 → 3) With the time frame proposed, a Programmatic Agreement or a Memorandum of Agreement would be the other alternative the Federal agency may have. These
10.19 → consultation discussions have not occurred with either document and will not meet the NEPA timeline for a final EIS as these determination of effects and resolution of effects are required to be a part of finalizing an EIS for a Record of Decision, (ROD) for this project. (36 CFR 800. (c) (4) & (5)) these should be reflected in the FEIS.

10.20 → 4) The Sisseton Wahpeton Oyate THPO is formally requesting to WAPA through RUS of a (60) day extension of the DEIS for Sisseton Wahpeton Oyate and other Tribes, to provide adequate input through formal consultation provided in section 106 of NHPA. The Metcalf Report or TCP Survey Report has not been discussed through consultation with tribal THPO's and we cannot make adequate recommendations to avoid, minimize, or mitigate historic properties for either alternative, the Crow Lake or Winner site, which are referenced in the DEIS for this project.

10.21 → 5) An MOA or PA is the more legal approach to satisfy section 106 compliance for Federal agencies and should have been developed prior to the release of the DEIS. Consultation with Tribes, Federal agencies SHPO/THPO's and interested parties, have yet to occur. This DEIS is in-adequate as it contains no draft MOA or PA, and does not provide pertinent information to the commenter to provide recommendations to avoid, minimize, or mitigate adverse impacts to historic properties.

10.22 → 6) The findings and determinations recommended from the Metcalf Class III Survey Report should have been a matter of record identified in the DEIS or reflected in Chapter 5 Cultural Resources, and when consultation occurred on the recommendations included in the Report. The DEIS cannot go to a FEIS as these issues with cultural resources and the review of such, cannot be completed and the findings and determinations to identified historic properties need to be identified and listed for comments.

10.23 → 7) Limited information on the archaeology completed by Metcalf regarding number of sites identified, number of sites proposed to be impacted, number of sites eligible, number of sites not eligible. These items, among others, need consultation with THPO's as required by section 106 of NHPA. Final EIS must provide more information, no information provided in the DEIS to comment on.



DEIS Timeline Not Achievable:

- 10.24 → The Project cannot meet the timeline with a final document as a number of section 106 functions are yet to be administered prior to the completion of the NEPA process. The
- 10.25 → DEIS states that a MOA under 36 CFR 800.6 (c) is being developed with WAPA, RUS, affected Federal agencies, applicants and the tribes to address adverse effects to historic properties under the umbrella of an section 106 agreement. Although this is stated in the DEIS, this has yet to occur and the DEIS is mis-leading to state this.
- 10.26 → The Federal agency has to develop standards for environmental documents to comply with section 106. Among other functions, *“Develop in consultation with identified consulting parties alternatives and proposed measures that might avoid, minimize, or mitigate any adverse effects of the undertaking on historic properties and describe them in the EA or DEIS.”* (36 CFR 800.8 (c) (1) (v)). This requires the federal official to
- 10.27 → *“identify consulting parties, identify historic properties, and consult regarding the effects of the undertaking on historic properties with the SHPO/THPO, Indian Tribes...that might attach religious and cultural significance to affected historic properties...”* and describe them in the DEIS. This section on Metcalf Class III report or TCP survey report is not described at all and the process doesn't allow a THPO to provide consultation on the findings and determinations to adverse effects to historic properties.
- 10.28 → This section specifically requires consultation by agency official (WAPA/RUS) on any proposed alternatives or proposed measures to resolve adverse effects to historic properties or that is of religious and culturally significant to the Sisseton Wahpeton Oyate. These alternatives or proposed measures are to be described in the DEIS but are not described at all. This action relieves the commenter his legal right to provide involvement and input into a federal action and document.
- In 36 CFR 800.8 (c) (2) *Review of environmental documents* (i): states in part, *“The agency official shall submit the EA, DEIS, or EIS to the SHPO/THPO, Indian Tribe...that might attach religious and cultural significance to affected historic properties and other consulting parties prior to or when making the document available for public comment. If the document being prepared is a DEIS or EIS, the agency official shall also submit it to the Council.”*
- 10.29 → The comment period has elapsed but because the DEIS lacks little or no information on important consultation items regarding adverse effects to historic properties, the



10.29 continued

Sisseton Wahpeton Oyate THPO cannot make comments because of the lack of information.

10.30

The approval of the undertaking is predicated on the following section 36 CFR 800.8 (c) (4), which states "If the agency official has found, during the preparation of an EA or EIS that the effects of an undertaking on historic properties are adverse, the agency official shall develop measures in the EA, DEIS, or EIS to avoid, minimize, or mitigate such effects. ... The agency official's responsibilities under section 106 and the procedures in this subpart shall then be satisfied when either:

- (i) A binding commitment to such proposed measures is incorporated in
 - (A) The ROD, if such measures were proposed in a DEIS or EIS; or
 - (B) An MOA drafted in compliance with §800.6 (c); or
- (ii) The Council has commented under §800.7 and received the agency's response to such comments."

The Sisseton Wahpeton Oyate THPO have made it a matter of record that comments regarding these issues that carry weight in the NEPA process. The requirements completing section 106 must be completed prior to a Record of decision (ROD).

We look forward to further involvement in this project. Please contact me regarding this correspondence at:

10.31

Sincerely,



Dianne Desrosiers
Tribal Historic Preservation Officer
Sisseton Wahpeton Oyate

Cc: Dennis Rankin, Project Manager
Engineering and Environmental Staff
Rural Utilities Service
1400 Independence Ave SW, Mail Stop 1571
Washington, DC 20250-1571
File





Comment Reference
Document 11

February 10 2009

Liana G. Reilly, Project Manager
Western Power Administration
PO Box 281213
Lakewood Colorado

RE: Prairie Winds project section 106 requirements

Dear Ms. Reilly

11.1 This letter is a form of complaint in regards to the Yankton Sioux involvement in the Prairie Winds project 106 requirement. The Yankton Sioux Tribal Historic Preservation Office has yet to be notified or consulted in regards to your project. The Yankton Sioux Tribe has had an official THPO since September 21, 2009. I have spoken with Kent Good and asked for official documentation of Yankton involvement. He has not given me such proof. Why am I not given appropriate consultation?

Sincerely,

Lana M. Gravatt
Yankton Sioux Tribe Historic Preservation Officer
Yankton Sioux Tribe

Santee Sioux Nation

COUNCIL HEADQUARTERS / MUSEUM

Chairman: Roger Trudell
Vice Chairman: David Henry
Treasurer: Robert Campbell
Secretary: Cora Jones



108 Spirit Lake Avenue West
Niobrara, NE 68760-7219
Phone: (402) 857-2772
FAX: (402) 857-2779

Comment Reference
Document 12

Subject; Santee Sioux Nation's response to your respective request that is governed under Section 106 of the National Historic Preservation Act (NHPA) and its implementing regulations (36 CFR Part 800).

To Whom it may concern:

Project: Western Area Power Administration

12.1 → The purpose of this letter is to inform you that the Santee Sioux Nation has no objection to your proposed project unless any cultural, natural resources and/or places with traditional cultural significance within the project are found. Then we want to be notified immediately. ← 12.2

12.3 → We, also, want to be consulted in the event of any NEPA or Section 106 reviews which reflect any cultural significance that are specific to our Dakota culture.

Sincerely,


Cora L. Jones, Secretary

Santee Sioux Nation

Comment Reference
Document 13

From: tim mentz <mentz_tim@yahoo.com>
To: <tromly@wapa.gov>
CC: "Waste'Win Young" <redturtlegirl@hotmail.com>, Dianne Derossier <dyanda...>
Date: 2/24/2010 8:25 AM
Subject: Metcalf Report

Steve: Good day. My name is Tim Mentz Sr. from the Standing Rock Sioux Tribe and would like to request information from you regarding the South Dakota Prairie Winds Project, applicants are Basin Electric and Prairie Winds, Inc. I'm assisting the Standing Rock THPO in developing comments for the draft EIS for this project. The DEIS lacks any information regarding the references contained in the DEIS to a Class III Survey and a TCP Survey which also includes references to a MOA. Because of this lack of information, it doesn't allow Standing Rock, or any other Tribe, to provide comments to potential adverse impacts to sites identified in the Class III Survey Report and within the TCP Survey report but these reports are referenced in this DEIS. I understand that WAPA has not initiated section 106 consultation on the Metcalf Archaeological Class III Report for the South Dakota Prairie Winds Project with any Tribe, could you confirm this? Could you provide the correct title to the Metcalf Report? How will WAPA fulfill their section 106 responsibilities to consultation with the SHPO and THPO's? When was SHPO contacted regarding metcalf report and provided a copy? Please provide a copy of a MOA or PA draft which is referenced in the DEIS to myself, or, provide copies to the THPO's that are c-c'd on this e-mail. Please provide a schedule on how consultation will be conducted, where and when regarding the Metcalf Class III Report and the TCP Survey Report. Please advise how WAPA will complete section 106 prior to a Record of Decision.

13.1

13.2

13.3

13.4

13.5



Protecting the Land, Cultural,
Heritage and Tradition for
the Future Generation

Tribal Historic Preservation Office

P.O. Box 809
Rosebud, South Dakota
Telephone: (605) 747-4255
Fax: (605) 747-4211
Email: rstthpo@yahoo.com



Russell Eagle Bear
Officer

Kathy Arcoren
Administrative Assistant

February 26, 2010

Ms. Liana Reilly, NEPA-DM
Western Area Power Administration
Natural Resource Office
12155 West Alameda Parkway
Lakewood, CO 80228-8213

Comment Reference
Document 14

Re: Comments To South Dakota Prairie Winds Project DEIS

Dear Ms. Reilly,

The Rosebud Sioux Tribe Tribal Historic Preservation Office submits these comments regarding the "Draft Environmental Impact Statement for the South Dakota Prairie Winds Project" for your consideration.

Background:

The South Dakota Prairie Winds Project proposes to establish wind turbine generation electricity at two proposed locations in South Dakota, Crow Lake and Winner Site. Prairie Winds SD1, Inc. (Prairie Winds) is the applicant requesting Federal financial assistance from Rural Utilities Service (RUS) for this project; and, Basin Electric, owner of Prairie Winds, is requesting an interconnection within the Western Area Power Administration (WAPA) administered Transmission System. Both are requesting Federal action and have triggered the National Environmental Policy Act, (NEPA) review and internal policy review. These requests could also trigger other federal compliance to other laws applicable to the undertaking.

It was determined by both Co-lead agencies, WAPA and RUS, that applicant requests required an Environmental Impact Statement (EIS). This document addresses two Federal actions:

- a. Whether WAPA approves of a request from Basin Electric for a interconnection to the WAPA Transmission System and if transmission capacity is available;
- b. Whether RUS will approve and provide Federal financing to applicant Prairie Winds, Inc. for the Project?; accordingly, would require NEPA review which is one of the requirements: *"Ensure that NEPA and other requirements and RUS Environmental Policies and Procedures are satisfied prior to taking a federal action."*

Mary Kala
Recording Clerk

Alma Espinoza
Filing Clerk

14.1

Western states it will use their NEPA procedures for public involvement pursuant to 36 CFR 800.2 (d) and but is still legally responsible for compliance to section 106 of the National Historic Preservation Act, (NHPA). This section 36 CFR 800.2 (d) (3) allows for use of agency procedures for the public. RUS also will use their Environmental Policies and Procedures which I'm sure involves the public but also consultation with the Tribes.

What is important to note in both processes that Tribal Governments are not considered or in the classification of Public. The lead federal agency, WAPA, is responsible for initiating section 106 consultation with SHPO/THPO's, Tribes and interested public regarding the Class III Archaeological Survey done for this project by Metcalf and a TCP Survey report done by Yankton Sioux Tribe. This meeting needs to occur and should have been reflected in this DEIS prior to the release of the DEIS so Tribes could comment on the issues. These concerns cannot be addressed at this time.

Internal-Regulations of WAPA/RUS: BMP's and APM's:

14.2

This DEIS makes references to internal policies and procedures to comply with NEPA for both WAPA and RUS. It is assumed that both processes authorize a BMP's or APM's as listed, for any future issues when considering mitigation of adverse impacts and recommend measures to satisfy section 106 of NHPA. These internal documents were never presented to the Tribes nor wasn't a tribal consultation item initiated by WAPA. Both these processes could be viewed as providing a process to mitigate potential adverse impacts to historic properties with no Tribal input.

Recommend:

14.2 continued

1) The RSTTHPO cannot provide recommendations or comment regarding BMP's and APM's being allowed to be followed versus compliance to subpart B of 36 CFR 800. These two items should have been attached so the commenter could have reviewed these processes to make an informed decision. We are requesting consultation on these documents as they can be construed as efforts to mitigate adverse impacts to historic properties.

14.3

2) Request review of the internal processes identified in DEIS for both WAPA and RUS whether these internal policies and procedures meet the requirements of section 106 of NHPA and report findings in FEIS.

Consultation:

14.4

Consultation must have transparency and should reflect the efforts in this document. This DEIS lacks any information regarding any consultation conducted and what was the substance of discussion to initiate tribal consultation and generate a comment.

The DEIS in Chapter 3 lists three government-to-government consultation sessions with Tribes. Based on lack of information, it is assumed this DEIS is construing government-to-government consultation sessions as consultation under section 106 with Tribes. I understand that on the

14.4 continued

dates identified in the DEIS were meetings with THPO's discussing the processes in identification of sites and developing an agreement for services for a TCP Survey conducted by Yankton Sioux Tribe and Mr. S. Lebeau.

The Rosebud Sioux Tribe THPO requests the DEIS correct this mis-understanding on what consultation levels were conducted at these listed consultation meeting dates. It is understood that section 106 consultation was being conducted on the dates listed, not government-to-government consultation as stated, please adjust this error. These two separate issues are listed below:

14.5

The Rosebud Sioux Tribe is represented by our Tribal Council who administers a Constitution for the members of our Tribe. These individuals are elected leaders comprising the Tribal Government. Any Federal agency who initiates E.O. 13175 Consultation and Coordination with Tribal Governments, must address the governing body of that Tribe to achieve true government-to-government consultation (36 CFR 800.2 (c) (ii) (2) (C)). Consultation must include this and potential adverse impacts can be addressed by the governing body, which they have a right to be consulted on beyond the responsibilities of the THPO's.

14.6

The Tribal Historic Preservation Officer is a consulting party when the section 106 process is initiated under subpart B of 36 CFR 800, regardless of location of historic properties or TCP sites. Generally a Federal agency official is required to identify Tribes and consult with them if a federal undertaking is initiated as required in 36 CFR 800. Any alternatives the federal agencies developed or in compliance to, require a MOA or PA to resolve adverse effects to historic properties and as such, are signatories or consulting parties to these documents only a federal agency can produce.

Chapter 5. Cultural Resources:

14.7

The Draft EIS for this project has very limited information in the Cultural Resources Section 5.4.3 to provide any comments for the EIS. Until I receive additional information, i.e. Metcalf

14.8

Class III Survey Report and the TCP Survey Report, the Rosebud Sioux THPO cannot provide adequate recommendations to be included in the comments to the DEIS and we would like to reserve our right to providing comments once this occurs.

14.9

This draft EIS doesn't contain any information regarding the archaeology conducted for this project. The RSTTHPO understands that Metcalf Archaeology Consultants produced a report on

14.10

this project but the Tribes have yet to receive a draft report for consultation under section 106 of the National Historic Preservation Act, as amended in 1992. Our office has not been consulted by Western Area Power Administration (WAPA) on the results of the TCP Survey conducted also this past summer and request consultation on both documents.

14.11

WAPA has the responsibility to involve Tribes in the findings and determinations made during the section 106 process (36CFR800.2 (a) (4) and should initiate consultation immediately with the findings and determinations of the Metcalf Report for this project.

14.12

The Agency Official could use the NEPA process for section 106 purposes, "if the agency official has notified in advance the SHPO/THPO and the Council that it intends to do so and the ...standards are met." (36CFR800.8 (c))

Recommendation:

- 14.13 ⇒ 1) The requirements to 36 CFR 800.8 (c) (1) have not been met and we are initiating the requirements in 36 CFR 800.8 (c). Currently, our office cannot submit comments regarding proposing measures to avoid, minimize or mitigate any adverse effects of the undertaking on historic properties that are not described in the DEIS. Because of this action, the standards have not been met in 36 CFR 800.8 (c) (1) and we make a formal objection to the DEIS, (36 CFR 800.8 (c) (2) (ii)).
- 14.14 ⇒ 2) The resolution of effects on historic properties that could be proposed as comments by the RSTTHPO in the DEIS cannot be achieved because consultation hasn't occurred with tribes (36 CFR 800.8 (c) (4))...hence, the DEIS is "inadequate" (36 CFR 800.8 (c) (2) (ii)).
- 14.15 ⇒ 3) With the time frame proposed, a Programmatic Agreement or a Memorandum of Agreement would be the other alternative the Federal agency may have. These consultation discussions have not occurred with either document and will not meet the NEPA timeline for a final EIS as these determination of effects and resolution of effects are required to be a part of finalizing an EIS for a Record of Decision, (ROD) for this project. (36 CFR 800. (c) (4)&(5))These should be reflected in the FEIS.
- 14.16 ———
- 14.17 ⇒ 4) The Rosebud Sioux Tribe THPO is formally requesting to WAPA through RUS of a (60) day extension of the DEIS for Standing Rock and other Tribes, to provide adequate input through formal consultation provided in section 106 of NHPA. The Metcalf Report or TCP Survey Report has not been discussed through consultation by tribal THPO's and we cannot make adequate recommendations to avoid, minimize, or mitigate historic properties for either alternative, Crow Lake or Winner site, that are referenced in the DEIS for this project.
- 14.18 ⇒ 5) An MOA or PA is the more legal approach to satisfy section 106 compliance for Federal agencies and should have been developed prior to the release of the DEIS. Consultation with Tribes, Federal agencies SHPO/THPO's and interested parties, have yet to occur. This DEIS is in-adequate as it contains no draft MOA or PA, and does not provide pertinent information to the commenter to provide recommendations to avoid, minimize, or mitigate adverse impacts to historic properties.
- 14.19 ⇒ 6) The findings and determinations recommended from the Metcalf Class III Survey Report should have been a matter of record identified in the DEIS or reflected in Chapter 5 Cultural Resources, and when consultation occurred on the recommendations included in the Report. The DEIS cannot go to a FEIS as these issues with cultural resources and the review of such, cannot be completed and the findings and determinations to identified historic properties need to be identified and listed for comments.
- 14.20 ⇒ 7) Limited information on the archaeology completed by Metcalf regarding number of sites identified, number of sites proposed to be impacted, number of sites eligible, number of sites not eligible. These items, among others, need consultation with THPO's as required by section 106 of NHPA. Final EIS must provide more information, no information provided in the DEIS to comment on.

DEIS Timeline Not Achievable:

- 14.21 ⇒ | The Project cannot meet the timeline with a final document as a number of section 106 functions are yet to be administered prior to the completion of the NEPA process. The DEIS states that a
- 14.22 ——— | MOA under 36 CFR 800.6 (c) is being developed with WAPA, RUS, affected Federal agencies,

14.22 continued

applicants and the tribes to address adverse effects to historic properties under the umbrella of an section 106 agreement. Although this is stated in the DEIS, this has yet to occur and the DEIS is mis-leading to state this.

14.23

The Federal agency has to develop standards for environmental documents to comply with section 106. Among other functions, "*Develop in consultation with identified consulting parties alternatives and proposed measures that might avoid, minimize, or mitigate any adverse effects of the undertaking on historic properties and describe them in the EA or DEIS.*" (36 CFR 800.8

14.24

(c) (1) (v). This requires the federal official to "identify consulting parties, identify historic properties, and consult regarding the effects of the undertaking on historic properties with the SHPO/THPO, Indian Tribes...that might attach religious and cultural significance to affected historic properties..." and describe them in the DEIS. This section on Metcalf Class III report or TCP survey report is not described at all and the process doesn't allow a THPO to provide consultation on the findings and determinations to adverse effects to historic properties.

14.25

This section specifically requires consultation by agency official (WAPA/RUS) on any proposed alternatives or proposed measures to resolve adverse effects to historic properties or that is of religious and culturally significant to the Rosebud Sioux Tribe. These alternatives or proposed measures are to be described in the DEIS but are not described at all. This action relieves the commenter his legal right to provide involvement and input into a federal action and document.

In 36 CFR 800.8 (c) (2) *Review of environmental documents* (i): states in part, "*The agency official shall submit the EA, DEIS, or EIS to the SHPO/THPO, Indian Tribe...that might attach religious and cultural significance to affected historic properties, and other consulting parties prior to or when making the document available for public comment. If the document being prepared is a DEIS or EIS, the agency official shall also submit it to the Council.*"

14.26

In following the process, we are in the comment period but because the DEIS lacks little or no information on important consultation items regarding adverse effects to historic properties, the Rosebud Sioux Tribe THPO cannot make comments because of the lack of information.

The approval of the undertaking is predicated on the following section 36 CFR 800.8 (c) (4), which states "*If the agency official has found, during the preparation of an EA or EIS that the effects of an undertaking on historic properties are adverse, the agency official shall develop measures in the EA, DEIS, or EIS to avoid, minimize, or mitigate such effects....The agency official's responsibilities under section 106 and the procedures in this subpart shall then be satisfied when either:*

- (i) *A binding commitment to such proposed measures is incorporated in*
 - (A) *The ROD, if such measures were proposed in a DEIS or EIS; or*
 - (B) *An MOA drafted in compliance with §800.6 (c); or*
- (ii) *The Council has commented under §800.7 and received the agency's response to such comments.*"

The Rosebud Sioux Tribe THPO have made it a matter of record that comments regarding these issues that carry weight in the NEPA process. The requirements completing section 106 must be completed prior to a Record of decision.

14.27



We look forward to further involvement in this project. Please contact me regarding this correspondence at [redacted] or at [redacted].
Sincerely,

for Mr. Russell Eagle Bear
Tribal Historic Preservation Officer
Rosebud Sioux Tribe

C-c: Dennis Rankin, Project Manager
Engineering and Environmental Staff
Rural Utilities Service
1400 Independence Ave SW, Mail Stop 1571
Washington, DC 20250-1571



T RIBAL HISTORIC PRESERVATION OFFICE
S TANDING ROCK SIOUX TRIBE

Administrative Service Center

North Standing Rock Avenue

Fort Yates, N.D. 58538

Tel: (701) 854-2120

Fax: (701) 854-2138

February 26, 2010

Comment Reference
Document 15

Ms. Liana Reilly, NEPA-DM

Western Area Power Administration

Natural Resource Office

12155 West Alameda Parkway

Lakewood, CO 80228-8213

Re: Comments To South Dakota Prairie Winds Project DEIS

Dear Ms. Reilly:

The Standing Rock Sioux Tribe Tribal Historic Preservation Office submits these comments regarding the "Draft Environmental Impact Statement for the South Dakota Prairie Winds Project" for your consideration.

Background:

The South Dakota Prairie Winds Project proposes to establish wind turbine generation electricity at two proposed locations in South Dakota, Crow Lake and Winner Site. Prairie Winds SD1, Inc. (Prairie Winds) is the applicant requesting Federal financial assistance from Rural Utilities Service (RUS) for this project; and, Basin Electric, owner of Prairie Winds, is requesting an interconnection within the Western Area Power Administration (WAPA) administered Transmission System. Both are requesting Federal action and have triggered the National Environmental Policy Act, (NEPA) review and internal policy review. These requests could also trigger other federal compliance to other laws applicable to the undertaking.

It was determined by both Co-lead agencies, WAPA and RUS, that applicant requests required an Environmental Impact Statement (EIS). This document addresses two Federal actions:

- a. Whether WAPA approves of a request from Basin Electric for a interconnection to the WAPA Transmission System and if transmission capacity is available;
- b. Whether RUS will approve and provide Federal financing to applicant Prairie Winds, Inc. for the Project?; accordingly, would require NEPA review which is one of the requirements: *"Ensure that NEPA and other requirements and RUS Environmental Policies and Procedures are satisfied prior to taking a federal action."*

15.1 → Western states it will use their NEPA procedures for public involvement pursuant to 36 CFR 800.2 (d) and but is still legally responsible for compliance to section 106 of the National Historic Preservation Act, (NHPA). This section 36 CFR 800.2 (d) (3) allows for use of agency procedures for the public. RUS also will use their Environmental Policies and Procedures which I'm sure involves the public but also consultation with the Tribes.

15.2 → What is important to note in both processes that Tribal Governments are not considered or in the classification of Public. The lead federal agency, WAPA, is responsible for initiating

15.3 → section 106 consultation with SHPO/THPO's, Tribes and interested public regarding the Class III Archaeological Survey done for this project by Metcalf and a TCP Survey report done by Yankton Sioux Tribe. This meeting needs to occur and should have been reflected in this DEIS prior to the release of the DEIS so Tribes could comment on the issues. These concerns cannot be made at this time.

Internal-Regulations of WAPA/RUS: BMP's and APM's:

15.4 → This DEIS makes references to internal policies and procedures to comply with NEPA for both WAPA and RUS. It is assumed that both processes authorize a BMP's or APM's as listed, for any future issues when considering mitigation of adverse impacts and recommend measures to satisfy section 106 of NHPA. These internal documents were never presented to the Tribes nor wasn't a tribal consultation item initiated by WAPA. Both these processes could be viewed as providing a process to mitigate potential adverse impacts to historic properties with no Tribal input.

Recommend:

- 15.5 → 1) The SRTHPO cannot provide recommendations or comment regarding BMP's and APM's being allowed to be followed versus compliance to subpart B of 36 CFR 800. These two items should have been attached so the commenter could have reviewed these processes to make an informed decision. We are requesting consultation on these documents as they can be construed as efforts to mitigate adverse impacts to historic properties.

- 15.6 > 2) Request review of the internal processes identified in DEIS for both WAPA and RUS whether these internal policies and procedures meet the requirements of section 106 of NHPA and report findings in FEIS.

Consultation:

- 15.7 > Consultation must have transparency and should reflect the efforts in this document. This DEIS lacks any information regarding any consultation conducted and what was the substance of discussion to initiate tribal consultation and generate a comment.

- 15.8 > The DEIS in Chapter 3 lists three government-to-government consultation sessions with Tribes. Based on lack of information, it is assumed this DEIS is construing government-to-government consultation sessions as consultation under section 106 with Tribes. I understand that on the dates identified in the DEIS were meetings with THPO's discussing the processes in identification of sites and developing an agreement for services for a TCP Survey conducted by Yankton Sioux Tribe and Mr. S. Lebeau.

The Standing Rock THPO requests the DEIS correct this mis-understanding on what consultation levels were conducted at these listed consultation meeting dates. It is understood that section 106 consultation was being conducted on the dates listed, not government-to-government consultation as stated, please adjust this error. These two separate issues are listed below:

- 15.9 > The Standing Rock Sioux Tribe is represented by our Tribal Council who administers a Constitution for the members of our Tribe. These individuals are elected leaders comprising the Tribal Government. Any Federal agency who initiates E.O. 13175 Consultation and Coordination with Tribal Governments, must address the governing body of that Tribe to achieve true government-to-government consultation (36 CFR 800.2 (c) (ii) (2) (C)). Consultation must include this and potential adverse impacts can be addressed by the governing body, which they have a right to be consulted on beyond the responsibilities of the THPO's.

The Tribal Historic Preservation Officer is a consulting party when the section 106 process is initiated under subpart B of 36 CFR 800, regardless of location of historic properties or TCP sites. Generally a Federal agency official is required to identify Tribes and consult with them if a federal undertaking is initiated as required in 36 CFR 800. Any alternatives the federal agencies developed or in compliance to, require a MOA or PA to resolve adverse effects to historic properties and as such, are signatories or consulting parties to these documents only a federal agency can produce.

Chapter 5. Cultural Resources:

- 15.10 > The Draft EIS for this project has very limited information in the Cultural Resources Section 5.4.3 to provide any comments for the EIS. Until I receive additional information, i.e. Metcalf Class III Survey Report and the TCP Survey Report, Standing Rock THPO cannot provide adequate recommendations to be included in the comments to the DEIS and we would like to reserve our right to providing comments once this occurs.
- 15.11

15.12

→ This draft EIS doesn't contain any information regarding the archaeology conducted for this project. I understand that Metcalf Archaeology Consultants produced a report on this project but the Tribes have yet to receive a draft report for consultation under section 106 of the National Historic Preservation Act, as amended in 1992. Our office has not been consulted by Western Area Power Administration (WAPA) on the results of the TCP Survey conducted also this past summer and request consultation on both documents.

15.13

15.14 → WAPA has the responsibility to involve Tribes in the findings and determinations made during the section 106 process (36CFR800.2 (a) (4) and should initiate consultation immediately with the findings and determinations of the Metcalf Report for this project.

15.15 → The Agency Official could use the NEPA process for section 106 purposes, "if the agency official has notified in advance the SHPO/THPO and the Council that it intends to do so and the ...standards are met." (36CFR800.8 (c))

Recommendation:

15.16 → 1) The requirements to 36 CFR 800.8 (c) (1) have not been met and we are initiating the requirements in 36 CFR 800.8 (c). Currently, our office cannot submit comments regarding proposing measures to avoid, minimize or mitigate any adverse effects of the undertaking on historic properties that are not described in the DEIS. Because of this action, the standards have not been met in 36 CFR 800.8 (c) (1) and we make a formal objection to the DEIS, (36 CFR 800.8 (c) (2) (ii)).

15.17 → 2) The resolution of effects on historic properties that could be proposed as comments by Standing Rock THPO in the DEIS cannot be achieved because consultation hasn't occurred with tribes (36 CFR 800.8 (c) (4))...hence, the DEIS is "inadequate" (36 CFR 800.8 (c) (2) (ii)).

15.18 → 3) With the time frame proposed, a Programmatic Agreement or a Memorandum of Agreement would be the other alternative the Federal agency may have. These consultation discussions have not occurred with either document and will not meet the NEPA timeline for a final EIS as these determination of effects and resolution of effects are required to be a part of finalizing an EIS for a Record of Decision, (ROD) for this project. (36 CFR 800. (c) (4)&(5)) These should be reflected in the FEIS.

15.19

15.20 → 4) The Standing Rock Sioux Tribe THPO is formally requesting to WAPA through RUS of a (60) day extension of the DEIS for Standing Rock and other Tribes, to provide adequate input through formal consultation provided in section 106 of NHPA. The Metcalf Report or TCP Survey Report has not been discussed through consultation by tribal THPO's and we cannot make adequate recommendations to avoid, minimize, or mitigate historic properties for either alternative. Crow Lake or Winner site, that are referenced in the DEIS for this project.

15.21 → 5) An MOA or PA is the more legal approach to satisfy section 106 compliance for Federal agencies and should have been developed prior to the release of the DEIS. Consultation with Tribes, Federal agencies SHPO/THPO's and interested parties, have yet to occur. This DEIS is in-adequate as it contains no draft MOA or PA, and

15.21 continued → does not provide pertinent information to the commenter to provide recommendations to avoid, minimize, or mitigate adverse impacts to historic properties.

15.22 → 6) The findings and determinations recommended from the Metcalf Class III Survey Report should have been a matter of record identified in the DEIS or reflected in Chapter 5 Cultural Resources, and when consultation occurred on the recommendations included in the Report. The DEIS cannot go to a FEIS as these issues with cultural resources and the review of such, cannot be completed and the findings and determinations to identified historic properties need to be identified and listed for comments.

15.23 → 7) Limited information on the archaeology completed by Metcalf regarding number of sites identified, number of sites proposed to be impacted, number of sites eligible, number of sites not eligible. These items, among others, need consultation with THPO's as required by section 106 of NHPA. Final EIS must provide more information, no information provided in the DEIS to comment on.

DEIS Timeline Not Achievable:

15.24 → The Project cannot meet the timeline with a final document as a number of section 106 functions are yet to be administered prior to the completion of the NEPA process. The DEIS states that a MOA under 36 CFR 800.6 (c) is being developed with WAPA, RUS, affected Federal agencies, applicants and the tribes to address adverse effects to historic properties under the umbrella of an section 106 agreement. Although this is stated in the DEIS, this has yet to occur and the DEIS is mis-leading to state this.

15.25 → The Federal agency has to develop standards for environmental documents to comply with section 106. Among other functions, *"Develop in consultation with identified consulting parties alternatives and proposed measures that might avoid, minimize, or mitigate any adverse effects of the undertaking on historic properties and describe them in the EA or DEIS."*

15.26 → (36 CFR 800.8 (c) (1) (v)). This requires the federal official to "identify consulting parties, identify historic properties, and consult regarding the effects of the undertaking on historic properties with the SHPO/THPO, Indian Tribes...that might attach religious and cultural significance to affected historic properties..." and describe them in the DEIS. This section on Metcalf Class III report or TCP survey report is not described at all and the process doesn't allow a THPO to provide consultation on the findings and determinations to adverse effects to historic properties.

15.27 → This section specifically requires consultation by agency official (WAPA/RUS) on any proposed alternatives or proposed measures to resolve adverse effects to historic properties or that is of religious and culturally significant to the Standing Rock Sioux Tribe. These alternatives or proposed measures are to be described in the DEIS but are not described at all. This action relieves the commenter his legal right to provide involvement and input into a federal action and document.

In 36 CFR 800.8 (c) (2) *Review of environmental documents (i)*: states in part, "The agency official shall submit the EA, DEIS, or EIS to the SHPO/THPO, Indian Tribe...that might attach

15.28 continued

religious and cultural significance to affected historic properties, and other consulting parties prior to or when making the document available for public comment. If the document being prepared is a DEIS or EIS, the agency official shall also submit it to the Council."

15.29 → If following the process, we are in the comment period but because the DEIS lacks little or no information on important consultation items regarding adverse effects to historic properties, the Standing Rock Sioux Tribe THPO cannot make comments because of the lack of information.

15.30 → The approval of the undertaking is predicated on the following section 36 CFR 800.8 (c) (4), which states "If the agency official has found, during the preparation of an EA or EIS that the effects of an undertaking on historic properties are adverse, the agency official shall develop measures in the EA, DEIS, or EIS to avoid, minimize, or mitigate such effects.... The agency official's responsibilities under section 106 and the procedures in this subpart shall then be satisfied when either:

- (i) A binding commitment to such proposed measures is incorporated in
 - (A) The ROD, if such measures were proposed in a DEIS or EIS; or
 - (B) An MOA drafted in compliance with §800.6 (c); or
- (ii) The Council has commented under §800.7 and received the agency's response to such comments."

The Standing Rock THPO have made it a matter of record that comments regarding these issues that carry weight in the NEPA process. The requirements completing section 106 must be completed prior to a Record of decision.

15.31 → We look forward to further involvement in this project. Please contact me regarding this correspondence at [redacted].

Sincerely,

Waste'Win young

Tribal Historic Preservation Officer

Standing Rock Sioux Tribe

C-c: Standing Rock Sioux Tribe;

File;

Dennis Rankin, Project Manager

Engineering and Environmental Staff

Rural Utilities Service

1400 Independence Ave SW, Mail Stop 1571

Washington, DC 20250-1571



TRIBAL HISTORIC PRESERVATION OFFICE
STANDING ROCK SIOUX TRIBE

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February 23, 2010

Ms. Liana Reilly, NEPA-DM
Western Area Power Administration
Natural Resource Office
12155 West Alameda Parkway
Lakewood, CO 80228-8213

Comment Reference
Document 16

Dear Ms. Reilly:

My name is Waste' Win Young, Tribal Historic Preservation Officer for the Standing Rock Sioux Tribe located in North and South Dakota. I'm requesting additional information regarding the "South Dakota Prairie Winds Project" to complete my comments to the Draft Environmental Impact Statement for this project

- 16.1 ⇒ The Draft EIS for this project has very limited information in the Cultural Resources section 5.4.3 to provide any comments for the EIS. Until I receive additional information, Standing Rock THPO cannot provide adequate recommendations and we would like to reserve our right to providing comments once this occurs.
- 16.2 ⇒
- 16.3 ⇒ This draft EIS doesn't contain any information regarding the archaeology conducted for this project. I understand that Metcalf Archaeology Consultants produced a report on this project but the Tribes have yet to receive a draft report for consultation under section 106 of the National Historic Preservation Act, as amended in 1992. Our office has not consulted with the TCP Survey conducted also and request consultation on both documents with Western Area Power Administration (WAPA).
- 16.3 ⇒
- 16.4 ⇒ WAPA has the responsibility to involve Tribes in the findings and determinations made during the section 106 process (36CFR800.2 (a) (4) and should initiate consultation immediately with the findings and determinations of the Metcalf Report for this project.
- 16.5 ⇒ The Agency Official could use the NEPA process for section 106 purposes, *"if the agency official has notified in advance the SHPO/THPO and the Council that it intends to do so and the ...standards are met."* (36CFR800.8 (c))

16.6 → The requirements to 36 CFR 800.8 (c) (1) have not been met and we are initiating the requirements in 36 CFR 800.8 (c). Currently, our office cannot submit comments regarding proposing measures to avoid, minimize or mitigate any adverse effects of the undertaking on historic properties that are not described in the DEIS. Because of this action, the standards have not been met in 36 CFR 800.8 (c) (1) and we make a formal objection to the DEIS, (36 CFR 800.8 (c) (2) (ii)).

16.7 → The resolution of effects on historic properties that could be proposed as comments by Standing Rock THPO in the DEIS cannot be achieved because consultation hasn't occurred with tribes (36 CFR 800.8 (c) (4))...hence, the DEIS is "inadequate" (36 CFR 800.8 (c) (2) (ii)).

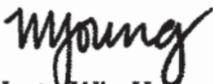
16.8 → With the time frame proposed, a Programmatic Agreement or a Memorandum of Agreement would be the other alternative the Federal agency may have. Has either

16.9 → document been developed by WAPA or reviewed by the Tribes? These discussions have not occurred with either document and will not meet the NEPA timeline for a final EIS as these determination of effects and resolution of effects are required to be a part of finalizing an EIS for a Record of Decision, (ROD) for this project. (36 CFR 800. (c) (4)&(5))

16.10 → The Standing Rock Sioux Tribe THPO is formally requesting a (60) day extension to provide adequate input through formal consultation provided in section 106 of NHPA. The Metcalf Report or TCP Survey Report has not been discussed through consultation by tribal THPO's and cannot make adequate recommendations to avoid, minimize, or mitigate historic properties for either alternative, Crow Lake or Winner site.

16.11 → Your response is urgent given the timeline set by RUS. You can contact me at 701-854-2120 should you have a comment or question regarding this letter. My e-mail address is

Sincerely,



Waste Win Young
Tribal Historic Preservation Officer
Standing Rock Sioux Tribe

c.c. Adrienne Swallow, SRST Environmental Specialist
Cheryl Long Feather, SRST Executive Director

To: Steve Tromley, Liana Reilly
Western Area Power Administration
Natural Resource Office
12155 West Alameda Parkway
Lakewood, Co. 80228-213

From: Ft. Peck, Standing Rock & Yankton Sioux Tribe Cultural Committee

Date: March 1, 2010

DRAFT ENVIRONMENTAL IMPACT STATEMENT COMMENTS ON PRAIRIE
WINDS WIND FARM, A SUBSIDIARY OWNED BY BASIN ELECTRIC POWER

- 17.1 ⇒ 1. Cited source of Demallie provides a smaller territory than the oral history indicates, as Yankton oral history cites that Ihanktonwan traveled into the Yellowstone, Canada, and into South America for ceremonial gathering and rites of passage purposes among other reasons. (page 108). A more reflective map is included will be forwarded.
- The territory and maps created through the Demallie research reflects the government effort to decrease the land base and territory for the advantage of the US Government in land takings through Treaty negotiations with Tribes. Most Treaties are land cessions. However, the Reserved Rights Doctrine allowed Tribes to preserve land and property rights in these ceded areas.
- There is evidence of Siouan people in the mountain ranges of Yellowstone. The Siouan linguistic group is a tightly knit group, such as the Ponca, etc. The Siouan linguistic group extends from Alaska to South America. There is evidence of contact with the Nez Perce and the Blackfeet. It is important to note that what appears in literature searches is based on early surveyors who were hired by the government and were not impartial.
- 17.2 ⇒ On page 109, the EIS research stated that Yankton-Yanktonnai utilized earth lodges. This is important as earth lodge/stone lodge/ and burial mounds existed for these bands, (Oral history, Mary Louise Defender-Wilson, cite will be forwarded). Some of these Siouan groups were agricultural and did live in defined villages dependent on the season.
- 17.3 ⇒ It is also important to note that the term “nomadic” implies that tribes roamed outside of their territory. Tribes and bands that were roaming were within their territory, even into the Salt Lake area, retrieving salt for use, (Oral history, Blanche Oldman).

- 17.4 ⇒ 2. The EIS does state the need for federal responsibility to ensure the utilization of tribal authorities to reflect traditional Indigenous knowledge, including knowledge of territory on page 110.
- 17.5 ⇒ 3. Training for construction workers recommended by the EIS on page 110, must be designed by Native practitioners and cultural advisors. Knowledge revealed must be for the primary purpose of protection, (i.e. cultural sensitivity).
- 17.6 ⇒ 4. On page 110, it is stated that no previous TCP's were identified in a record search of the Winner site. It is crucial that the proposed TCP study be conducted in the event of any future development plans.
- 17.7 ⇒ 5. On page 117, the chart analysis of the Crow Lake alternative, indicating the existence of 64% rangeland (natural prairie) immediately indicates that more sites would have been protected from agricultural use, hence the rich presence of sites in this area for preservation purposes. This also indicates the presence of large numbers of plant medicines utilized by Native peoples. A Native plant study is warranted.
- 17.8 ⇒ 6. On page 135, it is stated that there are no noise codes applicable to wind projects in South Dakota (Rekindle 2009c; Steele 2009; Westindorf 2009c). This is of immediate concern in areas that may be identified as fasting or ceremonial prayer areas for Native people supported by Executive Order 13007 (Indian Sacred Sites); American Indian Religious Freedom Act (1978) pertains to county, state and federal lands.
- 17.9 ⇒ 7. On page 144, Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations. The EIS states that census figures indicate that the Crow Lake area is inhabited by primarily white persons. This does not address the existence of the Crow Creek Sioux Tribe which is 12.5 miles in distance from the site. Oral interviews in the first Wessington Springs ethnographic study indicate that tribal members were buried in the area. Mr. Everett Harrison also indicated that his lineal grandfather, Drifting Goose inhabited the area for camping and ceremonial purposes. It is well known among tribal populations that Native people fast and pray in areas previously inhabited by ancestors even if current Native peoples do not live in the immediate vicinity. An example of this is the Medicine Knoll area, 2 miles west of Blunt, SD. This fasting hill is utilized by the descendants of the Ihanktonwan medicine person, Saswe, who did fast at this site and received vision and direction for the Ihanktonwan people. (Source oral history of Deloria and Spotted Eagle families, 1980, Henry Spotted Eagle). (Written source: Vine Deloria, Jr. in the book, Singing to the Spirit.)
- 17.10 ⇒ 8. On page 159, it states that a BA (Biological Assessment) is being prepared. It is important to note that although the EIS indicated that it did not see roosting sites in the form of trees and inhabitant areas for eagles, eagle roosting areas were identified in the Inter-Tribal Prairie Winds Traditional Cultural Property Survey of Nov-Dec 2009. Oral history tells us that eagles are a significant part of our culture, and during the TCP survey several eagle-roosting sites were identified.
- 17.11 ⇒ 9. Page 181 and 182 explain that this EIS is not intended to address all of the requirements of the EIS process, due to the extensive nature of this project. It further states that "agency officials may also defer final identification and evaluation efforts. The agency official may also defer final identification and evaluation of historic properties if it is specifically provided for in a memorandum of agreement executed pursuant to 800.6, a programmatic agreement executed pursuant to 800.14 (b), or the documents used by an

agency official to comply with the National Environmental Policy Act pursuant to 800.8.” This DEIS is inadequate as it contains no prescribed format MOA or PA, and does not provide pertinent information to the commenter to provide recommendations to avoid, minimize, or mitigate adverse impacts to historic properties. Western has indicated that there will be specific meetings with consulting Tribes to develop either a PA or MOA in regard to identified cultural properties.

17.12 ➤ 10. It also states that” there may be areas of interest to Native Americans, such as traditional use areas or TCP’s that extend outside the geographic boundaries of the Proposed Project Area. These concerns must be considered through consultation with interested tribes.” This emphasizes the very need that Tribes indicated in negotiating the Prairie Winds Inter-tribal Survey SOW which surveyed areas outside of the APE, for that reason.

17.13 ➤ 11. Page 182 states that “habitation sites and some temporary camps may hold significant scientific research potential and may also be of traditional cultural significance to Native Americans.” These areas are significant but NOT for the purposes of archaeological excavation of any kind. Further ethnographic study is recommended for tribal involvement. A collaborative ethnographic study by the affected tribes and selected ethnographer should be included in the mitigation plan.

17.14 ➤ 12. The EIS process affecting Tribes has been a fast-track system that disallowed time adequate for a thorough analysis and meaningful project consultation from Tribes.

These comments are a result of collaboration between Standing Rock, Fort Peck and Yankton Cultural Committee representatives who were also involved in the TCP Survey for Prairie Winds Wind Farm.

Curley Youpee
Wastewin Young
Faith Spotted Eagle

South Dakota PrairieWinds Project Draft Environmental Impact Statement

Local Agencies

Kimball Area Chamber of Commerce

This was submitted to Pierre, SD to the legislators on Feb 18

Comment Reference
Document 18

Kimball Area Chamber of Commerce

- 18.1 > Be it resolved on Thursday, February 18, 2010 that the Kimball Area Chamber of Commerce is not in support of HB 1060 due to its negative impact to development in the Kimball area. The effects of the bill would hinder or eliminate development of projects that would have a long term lasting impact on the area. This bills detrimental effect on economic development is not acceptable. The Kimball Area Chamber
- 18.2 > of Commerce hereby requests your support to vote down this bill.

Brian Price
President
Kimball Area Chamber of Commerce

South Dakota PrairieWinds Project Draft Environmental Impact Statement

Public Comments

Comments Recorded at the Public Hearing

Weidner, Fred
Keierleber, Joel
West, Nathan

Additional Written Comments Received

Assman, Dennis	Keierleber, Joel
Clifford, Rose	LaRive, Chris
Gillen, Debra	Lefu, Fabian
Gray, Michael	Turnquist, Roger
Higher, Phil	West, Nathan
Hotchkiss, Harold	

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Comment Reference 19 - begin page 11

Comment Reference 20 - begin page 12

Comment Reference 21 - begin page 13

SOUTH DAKOTA PRAIRIEWINDS
PUBLIC HEARING ON DRAFT ENVIRONMENTAL IMPACT STATEMENT

February 11, 2010
Cozard Memorial Library
Chamberlain, South Dakota

Reported By Cheri McComsey Wittler, RPR, CRR

1 THE HEARING OFFICER: We're going to go ahead
2 and get started. It's about 5 minutes after 5:00 local
3 time, February 11, 2010.

4 I'm Gary Hoffman. I'm an attorney with Western
5 Area Power Administration's Office of General Counsel.
6 I'm actually located in Lakewood, Colorado. I'll be the
7 Hearing Officer for tonight's public hearing.

8 The purpose of this evening's hearing is to
9 receive formal, oral comments on the Draft Environmental
10 Impact Statement. We have it both in the CD ROM form.
11 We had a few hardcopies.

12 And that's the Draft Environmental Impact
13 Statement for the South Dakota PrairieWinds Project.
14 It's denoted by a DOE, Department of Energy/EIS. And
15 it's No. 0418. So that's how it's referenced.

16 There are actually three federal agencies that
17 are directly involved with this project. Western Area
18 Power Administration, which I'll refer to as Western for
19 short, is with the Department of Energy. It is one of
20 the co-lead agencies on this project under the National
21 Environmental Policy Act. We also refer to that as NEPA
22 for short.

23 The other co-lead agency is the U.S. Department
24 of Agriculture's Rural Utility Service. And we refer to
25 that as RUS. We're with the Government. We use

1 acronyms.

2 The U.S. Fish & Wildlife Service is a
3 cooperating agency so they're also involved.

4 This formal meeting is not a question and answer
5 forum. Prior to the start of this meeting
6 representatives from both Western and the Applicant --
7 the Applicant's name is South Dakota PrairieWinds, which
8 is wholly owned by Basin Electric Cooperative. So we've
9 had representatives from Basin here and also from
10 Western. And they were available to discuss this project
11 during the open house part of this meeting.

12 After we conclude the formal public hearing they
13 will be around if you have more questions that you want
14 answered. But, again, the formal hearing is for us to
15 take comments, not necessarily answer those questions
16 right in the public hearing.

17 I'd like to introduce the representatives that
18 we have here for this evening. From Western Area Power
19 Administration we have Liana Reilly. She's in the back
20 of the room. She's actually the NEPA document manager
21 for this project. She's the point of comment -- or point
22 of contact if you have written comments that you want to
23 send.

24 Rod O'Sullivan from Western is also here. He's
25 with the environmental office actually out of our

1 Billings, Montana office.

2 We also have an environmental contractor that's
3 been hired to work to prepare the Draft Environmental
4 Impact Statement at our direction with input from Basin
5 or the South Dakota PrairieWinds group.

6 With the environmental contract are
7 Molly Cresto. She's around the corner here. That
8 contractor's -- the title of that company is Tierra
9 Environmental Consultants. We also have Sheila Logan
10 over here.

11 Working with Tierra Environmental Consultants is
12 Pat Golden. He's actually with Heritage Environmental
13 Consultants, but he's been working with and for Tierra on
14 this project.

15 From Basin Electric Cooperative, again that's
16 the parent company of the PrairieWinds SDI is what they
17 call their -- the individual company that's going to be
18 the owner of the wind project. We have Kevin Solie in
19 back. Ron Rebenitsch. We have Aaron Ramsdell in back.
20 And we also have Erin Dukart. And Amy Spelling (sic).

21 MS. SPILMAN: Spilman.

22 THE HEARING OFFICER: Spilman. Excuse me. So
23 much for my handwriting.

24 The U.S. Fish & Wildlife Service again is a
25 cooperating agency. We don't have a representative from

1 them here tonight. RUS is again a co-lead. We don't
2 have anyone from there present tonight. But if there are
3 comments that you want any of those agencies to consider,
4 again the central point will be here, this hearing, or
5 through written comment you can submit later. And it
6 will become part of the record.

7 PrairieWinds SDI, Incorporated is a wholly owned
8 subsidiary of Basin Electric Power Cooperative. Its
9 purpose is to construct and operate up to 101 one and a
10 half megawatt rated wind turbine generators. That would
11 translate to again approximately 151.5 megawatt
12 name-plate capacity for the wind powered generation,
13 energy generation facility.

14 The two locations that were analyzed in the
15 Draft Environmental Impact Statement were the Crow Lake
16 location -- and we do have some posters here. That would
17 be 15 miles north of White Lake and approximately
18 17 miles southwest of Wessington Springs, again, in
19 South Dakota.

20 That location would be -- that site would be
21 located in portions of Brule, Aurora, and Jerauld
22 Counties. The other location looked at was the Crow Lake
23 location. I'm sorry. That is the first location still.
24 Within the Crow Lake proposed area it would be
25 considering another additional seven wind turbines. That

1 would be an additional 10.5 megawatt name-plate capacity.

2 That's being proposed by a group called South
3 Dakota Wind Partners, LLC. Considered in the Draft
4 Environmental Impact Statement were the up to 101
5 turbines. But Basin asked that it be analyzed for
6 actually 10 more turbines in addition to the 101. So the
7 Environmental Impact Statement has already considered the
8 additional turbines that are now being proposed by
9 South Dakota Wind Partners, LLC.

10 Those seven turbines again would be located
11 wholly within that original project area on the Crow Lake
12 site.

13 The other site analyzed was the Winner location,
14 which is about -- well, it's south of Winner. The center
15 of it's about 8 miles south of Winner, South Dakota and
16 would be entirely within Tripp County.

17 As part of the project at either of the
18 alternative site locations a collector substation would
19 be included in the project. For the Crow Lake site the
20 project would be interconnected to Western Area Power
21 Administration's transmission system at its
22 Wessington Springs substation.

23 For the Winner site the interconnection to
24 Western's grid would be at the Winner substation that
25 Western owns.

1 The Applicants have applied to Western to
2 interconnect to Western's power transmission system.

3 RUS is the agency that delivers the USDA's rural
4 development utilities program. And it's authorized to
5 make loans and loan guarantees to finance construction of
6 electrical distribution, transmission, and generation
7 facilities in rural areas. PrairieWinds has requested
8 financial assistance through RUS.

9 The proposed interconnection with Western and
10 the request for the financial assistance have resulted in
11 the preparation of the Draft Environmental Impact
12 Statement. The public hearing here this evening is to
13 receive comments from all of you from the public on the
14 Draft Environmental Impact Statement.

15 Western is a major transmission system owner,
16 has to make a determination whether to grant the
17 interconnection request for -- for both the PrairieWinds
18 and for the South Dakota Wind Partners interconnections.
19 We've got to consider that interconnection pursuant to
20 our existing policies, regulations, and laws.

21 RUS has a determination to make too, and that's
22 whether to provide that financial assistance to
23 PrairieWinds.

24 The proposed interconnection would integrate
25 power generated at the project, whichever location is

1 chosen, into the regional transmission grid for use by
2 the Applicants. The project would include the
3 construction, the operating, and the maintenance of
4 access roads, overhead and underground electrical
5 collector lines, a new collection substation that we
6 talked about, a communication system, and then again the
7 interconnection at either the Wessington Springs
8 substation or the Winner substation.

9 As you came into the room this evening we asked
10 that you sign in on the sign-in sheet and to indicate if
11 you want to speak. If you haven't made an indication you
12 want to speak, I will call your -- call your name if you
13 have indicated. If not, we'll leave it open to anyone
14 who wants to speak is welcome to make a comment.

15 Again, the formal part of the public hearing is
16 to not ask questions of us but to give us comments that
17 you want to be considered for the Final Environmental
18 Impact Statement as prepared.

19 After the formal public hearing the
20 representatives that I've introduced to you earlier will
21 be here if you do have questions that you'd like answered
22 informally.

23 If you prefer -- we've talked about the oral
24 comments. We'll get to those. We'll call upon the
25 people who want to give an oral comment this evening.

1 In addition to or instead of you're also welcome
2 to give a written comment. We've got forms prepared for
3 you if you want to use that. It has the address. Again,
4 all the information goes to Ms. Liana Reilly, and that's
5 on the back of this form, including her address.

6 The comments, if you're going to do it in
7 writing, are due by March 1, 2010 if they're to be
8 considered as part of our Final Environmental Impact
9 Statement within that impact statement. These comments
10 can either be faxed, mailed, or you can put it on an
11 e-mail, and we do have the e-mail address available for
12 you also. All written comments and all oral comments
13 will become part of the administrative record.

14 Again, I did mention we had a court reporter
15 here this evening. It's Ms. Cheri Wittler. If you want
16 a copy of the transcript, you can get ahold of
17 Liana Reilly and she'll be able to give you the
18 information on how to do that.

19 All substantive comments that are received at
20 tonight's hearing and in writing, either e-mail, fax, or
21 regular mail by March 1 will be considered and addressed
22 in the Final Environmental Impact Statement. The
23 comments that you all provide help the decision-makers --
24 that's both Western and RUS -- in identifying the
25 concerns and values of the interested parties.

1 Upon the expiration of that -- of the comment
2 period a Final Environmental Impact Statement will be
3 prepared. We're anticipating that in the April/May 2010
4 time frame.

5 Following the issuance of that Final Impact
6 Statement and filing of that Statement with the
7 Environmental Protection Agency, there's a 30-day waiting
8 period before Western and RUS make their decisions.
9 Western again has to make a decision whether to grant the
10 interconnection request of the Applicants, and RUS must
11 consider granting the financial assistance request to
12 PrairieWinds.

13 Those decisions will be made in separate records
14 of decision. We call those RODs. And the time frame
15 anticipated for those will be the June/July 2010 time
16 frame.

17 Somebody did sign up for saying they want to
18 speak. We'll let them have the opportunity to go first.
19 Since we're in a small room, we won't make you come all
20 the way up to the front of the room, but we will ask that
21 you stand and also that you state your name and spell
22 your name for the court reporter.

23 Let's see. Mr. Weidner, did you want to -- did
24 you want to make a comment?

25 Okay. Could you stand up and give us the

1 spelling of your name if you'd like to give a statement.

Reference 19 → MS. WEIDNER: It's Fred, and Weidner is spelled

3 W-E-I-D-N-E-R. And there's several reasons that I
4 thought it would be good for the Tripp County area, not
5 to take anything against -- away from the other area. We
6 all are fighting to keep our own kids here and at home so
7 they don't have to go to Chicago or New York or

19.1 → 8 California. And so I think it would help out
9 South Dakota regardless which area it's in. But I think
19.2 → 10 there is some advantages to the Winner area.

19.3 → 11 Personally as a landowner down there -- I own
12 land in that area, and it's grassland. So I could see if
13 I was a farmer and I lived in Iowa or someplace, I would
14 question those things standing out there because you'd
15 have to farm around them, spray around them. You know,
16 it would be some problem. Where out there in the middle
17 of a prairie where there's just cows and horses or
18 whatever it's not going to bother anything. So I think
19 that would be a real asset.

20 And I don't know the area up there if that's
21 farm ground. I have no idea. But I do know that a lot
22 of that area down in there is grassland up in them hills.
23 It could never be farmed so it would be an ideal spot to
24 put them.

25 Another thing that I thought would be a real

19.4 →

1 advantage -- and I think Joel mentioned this and maybe it
2 will be talked about more, but I think it's definitely
3 worth talking about. The Rapid City area, as we all
4 know, is warmer than most any other part in this state.

5 That area, if you've seen maps of how the -- how
6 the heat relates to South Dakota, it dips down into
7 Nebraska. It dips back up around the Winner area and
8 then back down into Nebraska.

9 So basically what I'm saying, the Winner area
10 there, Tripp County, has a lot of the same weather that
11 Rapid City has. So, therefore, we would be warmer longer
12 in the fall and also warm up sooner in the spring. So
13 you could easily get, you know, two, three, maybe four
14 more weeks of service from that Tripp County area because
15 of the warmer area.

16 And so, you know, I guess those two things would
17 be my main concern, thinking that it would probably be
18 better than the other area.

19 THE HEARING OFFICER: Thank you. We're here to
20 take comments. No one else signed up, but we're welcome
21 to have people talk. If you want to raise your hand.

22 Please, if you could stand up and give us your
23 name.

Reference 20

→ MR. KEIERLEBER: I'm Joel Keierleber. It's
25 K-E-I-E-R-L-E-B-E-R. And I'm from the Tripp County area

1 too. And I've done quite a bit of working on stuff with
2 different companies trying to get wind development down
3 in that area.

20.1 →

4 And I just kind of wondered where they do have
5 quite a bit of wind studies and stuff down in that area
6 now through this project if there would be some way that
7 these economic development communities -- I know
8 Tripp County and Gregory County are both trying to entice
9 different developers in. If a person could get some of
10 the access to the wind studies and stuff on these
11 developments.

12 THE HEARING OFFICER: Thanks for the comments.
13 Again, during the formal part of the public hearing we're
14 not here to answer questions, but there are people here
15 that would be more than willing to talk to you after the
16 public hearing.

17 Is there anyone else that would like to make a
18 comment this evening?

19 Yes, sir. If we could have your name, that
20 would be great.

Reference 21

→ MR. WEST: I am Nathan West, and I am here

22 representing the Kimball Chamber of Commerce and am

21.1 →

23 actually a business owner also. We thought we needed a
24 representative here today just to go through and see what
25 it's all about and get our -- in our area it would really

1 help -- also like this gentleman was saying about the
2 kids in the area. And we have a lot of people going
3 to -- with Mitchell Tech and all of that are learning
4 about how the wind turbines work and all of that. And
5 they -- they're in our area too. So I just wanted --
6 we're representing the Crow Lake area.

7 THE HEARING OFFICER: And Your last name is
8 spelled?

9 MR. WEST: West. W-E-S-T.

10 THE HEARING OFFICER: Thank you. I appreciate
11 that.

12 Do we have anyone else that would like to make a
13 comment?

14 We've blocked off to be here for a while so I'm
15 not going to end the public hearing right now. We're
16 going to take a brief recess.

17 If any of you do want to leave, you're welcome
18 to. We're not going to keep you here. If you would like
19 to make a comment, we're going to be around for a while.
20 We'll go back on the record, in case people do come in
21 later.

22 We do again have these written comment forms
23 that you can use. It does have Liana Reilly's name, the
24 address on it. It looks like we've got the e-mail
25 address on it and the fax phone number -- fax number

1 also. You're welcome to take these. Even if you've made
2 a comment, you can still mail one in. And we do have
3 copies also of the Draft Environmental Impact Statement.

4 If you do want to send in a written comment,
5 whatever format, again, we do need to receive it by
6 March 1 of 2010 in order to be considered.

7 Does anyone want to make a statement before we
8 take a brief recess? Again, we'll go back on the record
9 in a little bit here.

10 We're going to go ahead and take a brief recess.
11 We're at about 5:25 now.

12 (A recess is taken)

13 THE HEARING OFFICER: This is Gary Hoffman.
14 We're back on the record. It is now 7 o'clock on
15 February 11. We have no one else has shown up for the
16 meeting. We have no one else to give any comments so
17 we're going to go ahead and formally close the public
18 hearing. Thanks.

19 (The proceeding concluded at 7 o'clock p.m.)
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25

1 STATE OF SOUTH DAKOTA)

2 :SS CERTIFICATE

3 COUNTY OF SULLY)

4

5 I, CHERI MCCOMSEY WITTLER, a Registered
6 Professional Reporter, Certified Realtime Reporter and
7 Notary Public in and for the State of South Dakota:

8 DO HEREBY CERTIFY that as the duly-appointed
9 shorthand reporter, I took in shorthand the proceedings
10 had in the above-entitled matter on the 11th day of
11 February, 2010, and that the attached is a true and
12 correct transcription of the proceedings so taken.

13 Dated at Onida, South Dakota this 12th day of
14 February, 2010.

15

16

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18

Cheri McComsey Wittler,
Notary Public and
Registered Professional Reporter
Certified Realtime Reporter

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**South Dakota PrairieWinds Project
Draft Environmental Impact Statement (DEIS)**

Thank you for your interest in the proposed South Dakota PrairieWinds Project (Project). Please complete the appropriate sections of this form to be included on the Project mailing list and/or to provide comments. Written comments can be submitted at the Public Hearing and Open House Meeting, faxed to (720) 962-7263, mailed to the address on the back of this form or sent to the **Project Email Address: sdprairiewinds@wapa.gov**. Comments must be received by **March 1, 2010**. For more information about the Project, please go to the **Project Website: <http://www.wapa.gov/transmission/sdprairiewinds.htm>**.

- 22.1 I would like to be kept informed of the ongoing progress of this Project. Please include my name on the mailing list.
 I prefer electronic/email communication.
 I prefer paper mailings.

Comment Reference
Document 22

Please Print Contact Info Below

Name:

Dennis ASSINAN

Organization:

E-mail address:

Daytime Phone No. (optional):

Please indicate any questions, comments or concerns you have about the Project in the comment section below (continue on separate sheet if necessary).

22.2 → We are definitely in favor of the Prairie Winds project. We are not personally involved with this project, but any type of wind power development in Tripp County would be a positive for all the citizens of the county. The potential for jobs & tax income for the county is a definite plus.

22.3 → Also, we would appreciate the release of the Basin's wind study to the public. This release would be advantageous to any future development of wind power in our county & the surrounding area.

Thank you for your time and interest in the South Dakota PrairieWinds Project.

Ms. Liana Reilly
 Western Area Power Administration
 Corporate Services Office, A7400
 P.O. Box 281213
 Lakewood, Colorado 80228-8213

January 12, 2009

Mrs. Fiona Reilly
Western Area Power Administration
P.O. Box 281213
Lakewood, Colorado 80228-8213

Re: Environmental Impact Study
Comments

I received the information the Environmental Impact Study for the Prairie Winds Project in South Dakota from Mark D. Plank, Director, Engineering and Environmental Staff.

I want to tell you about my recent bus trip to Seattle, Washington from Rapid City, South Dakota. Riding thru the State of Montana was like riding through chimney smoke. It was sooo, smoky, sooty, and dirty. The air was so dirty and polluted the entire sky was dark grey. At one of the bus stops I asked one of the clerks at a business why the sky was so dirty, dusty, and sooty. I was told that the main source of energy there is coal and wood.

and the pollution was smoke and soot and ashes coming from the chimneys of businesses and homes.

In my opinion it is a absolute disaster and a major clean up is in order.

Comment:

23.1 → Forget about the Prairie Winds Project and focus on cleaning up and improve energy resources in Montana. Perhaps an alternate source like propane or natural gas. I am sure if we put our heads together this problem can be cleaned up. As they say, "Necessity is the mother of invention."

23.2 → I also believe that focus should be put on promoting and exhibiting our farming and ranching economy for educational, tourism and recreational purposes.

23.3 → Most Urban Americans do not know how food is grown, processed and delivered for their consumption. Also drastic life style changes should be fostered and promoted.

In March 2009 The Indians and Pioneers met at Red Cloud Indian School on the Pine Ridge Lakota Reservation in South Dakota. This meeting was sponsored by the Bad Lands South Central Resource Conservation and Development Board.

At the Indians and Pioneers meeting a consensus was reached by the people present that there would be no more construction along the I-90 and I-80 Corridor all across the North American Continent.

23.4 → Instead we would focus on repairing, refurbishing and promoting the corridor of I-90 and I-80 for Tourism and recreational purposes. Basically improve and show off what we already have.

23.5 → I do not have a computer so I am writing these comments Cursive. I do hope you can read my penmanship.

Respectfully Submitted

Mrs. Rose M. Clifford - Beardlee
CEO Ochanke Win Fashions



**South Dakota PrairieWinds Project
Draft Environmental Impact Statement (DEIS)**

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- I would like to be kept informed of the ongoing progress of this Project. Please include my name on the mailing list. ← 24.1
- I prefer electronic/email communication. ← 24.2
- I prefer paper mailings.

Comment Reference
Document 24

Please Print Contact Info Below

Name:

Debra Gillen

Organization:

Horizons

E-mail address:

Daytime Phone No. (optional):

24.3 Please indicate any questions, comments or concerns you have about the Project in the comment section below (continue on separate sheet if necessary).

As a member of the Kimball Community I am excited about this project & feel it will bring great opportunities to the area. Kimball is located right on I-90 & has a great reputation as being a friendly - helpful community with lots to offer.

24.4

Our school is partially new & offers many great learning skills. Midstate Communitarians offers the top in technology - phone, cable tv, & high speed internet. There are various eating establishments, lodging, grocery store, bank, active region, fitness center, and many meeting & entertainment possibilities.

Thank you for your time and interest in the South Dakota PrairieWinds Project.

From: "Michael Gray" [redacted]
To: <sdprairiewinds@wapa.gov>
Date: 2/11/2010 1:54 PM
Subject: Transmission Lines in This area??

Comment Reference
 Document 25

I would like to have the transmission lines in the area with "capacity and available" for other projects being worked in the region of South Dakota (150 mile radius) if possible. This would be for the Prairie Winds Project. I would like:

Please send me a copy of the South Dakota PrairieWinds Project

Draft Environmental Impact Statement after it is completed from the 2/11 2010 hearings.

I look forward to working with the WAPA Team when I will get to work a project in South Dakota!

Michael Gray

Site Specialist

Tel: [redacted]

Fax: [redacted]

Mble: [redacted]

[redacted]

www.arionenergy.com <<http://www.arionenergy.com/>>

Executive Summary
 CD



South Dakota PrairieWinds Project
Draft Environmental Impact Statement (DEIS)

Thank you for your interest in the proposed South Dakota PrairieWinds Project (Project). Please complete the appropriate sections of this form to be included on the Project mailing list and/or to provide comments. Written comments can be submitted at the Public Hearing and Open House Meeting, faxed to (720) 962-7263, mailed to the address on the back of this form or sent to the Project Email Address: sdprairiewinds@wapa.gov. Comments must be received by March 1, 2010. For more information about the Project, please go to the Project Website: <http://www.wapa.gov/transmission/sdprairiewinds.htm>.

26.1 I would like to be kept informed of the ongoing progress of this Project. Please include my name on the mailing list.

26.2 I prefer electronic/email communication.
 I prefer paper mailings.

Comment Reference
Document 26

Please Print Contact Info Below

Name:

Peter Hester

Organization:

E-mail address:

Daytime Phone No. (optional):

Please indicate any questions, comments or concerns you have about the Project in the comment section below (continue on separate sheet if necessary).

[Lined area for comments]

Thank you for your time and interest in the South Dakota PrairieWinds Project.

Send to

Ms. Liana Reilly
Western Area Power Administration
Corporate Services Office, A7400
P.O. Box 281213
Lakewood, Colorado 80228-8213

Executive Summary
CD

STC Company

Comment Reference
Document 27

January 20, 2010

Ms Liana Reilly
Western Area Power Administration
PO Box 281213
Lakewood CO 80228-8213

Dear Ms Reilly,

27.1

S.T.C. Company (Septic Tank Cleaning Company) in Wessington Springs is your local sanitary equipment rental company, specializing in Porta-Potty rentals (portable restrooms), as well as septic tank and system pumping and cleaning services. We can deliver, install, and maintain portable units at any of your tower sites, as well as provide tanks for your stationary office trailers.

We will appreciate the opportunity to provide you with a bid for our services this year. Please fax the necessary forms outlining your timeframe, the number of portable units and other services you will be needing, and I will be most happy to provide you with a detailed quote.

We pride ourselves on providing the finest service at the most affordable rates in the surrounding area. We appreciate the opportunity to serve the crews from Wanzek in the past, and we look forward to serving all of your sanitary needs at your upcoming project sites in 2010.

Feel free to call or fax us at any time!

Sincerely,



Harold Hotchkiss
Randy Doty
S.T.C. Company

Mr. Dennis Rankin.

28.1 →

I would like to thank you for the opportunity, to comment on the proposed South Dakota Prairie Winds Project. I feel it should be built in either area.

28.2 →

28.3 →

My personal preference would be the Winner area. Because that is where I am from and the jobs brought in are much needed, as shown in the impact study.

28.4

28.5

I would suggest that if the RUS funds either project that both environmental and wind studies be made available to the public. Taxpayer money is being used. The local communities can use this information to expedite other companies to locate and build projects nearby.

Sincerely
Paul Richter

Molly Cresto

From: sdprairiewinds sdprairiewinds [sdprairiewinds@wapa.gov]
Sent: Wednesday, March 03, 2010 10:26 AM
To: Molly Cresto
Subject: Fwd: SD PrairieWinds DEIS Comment Form

Comment Reference
Document 29

Hi Molly-

Can you please add this person.

Thank you!
Liana

>>> <sdprairiewinds_DEIS_comment@wapa.gov> 3/3/2010 9:18 AM >>>

Issues, concerns or questions : Replace this text to list concerns or questions you have about the proposed project.

Mail list yes - E-mail : Yes, add me to the mailing list - e-mail <29.1

Name : Chris LaRive

Representing :

Address :

City :

State :

Zip Code :

Fax :

E-mail address :

From: Dr. Fabian Lefu

CONFIDENTIAL INVESTMENT PROPOSAL

Atten: Sir/Madam,

I'm Dr. Fabian Lefu a financial consultant based in Sandton City Johannesburg South Africa.



She wishes to invest in a stable economy Outside South Africa her interest is in companies with potentials for rapid growth in long terms.

30.1 > My client is interested in placing part of her fund in your company, if your country's bi-laws allow foreign investment. You can contact me for more details via my Phone or e-mail with your reference.

Please on the reply of this Letter for confidentiality I will kindly advice that you reply



Yours Faithfully,
Dr. Fabian Lefu

February 1, 2010

Comment Reference
Document 31

Basin Electric Power Cooperative
1717 East Interstate Ave.
Bismark, ND 58503-0564

Ms. Liana Reilly
Western Area Power Administration
P. O. Box 281213
Lakewood, CO 80228-8213

SUBJECT: Gravel for on-site turbine location

Dear SD Prairie Winds Project Leaders:

31.1

We would like to be considered for supplying the gravel for any construction needs that your turbine project may need in the southern Tripp County site that you are possibly proposing.

Our gravel site is located in Section 20 of Keya Paha Township, about 15 miles south of Colome. I have enclosed a map of the area. Please note that it is very close to a graveled township road which connects less than 2 miles to State Highway 183. I believe that many of your turbines are to be within this general radius.

The gravel is of excellent quality. It has an excellent packing characteristic that gets very smooth and hard. It requires very low maintenance. Rain does not penetrate its surface nor does snow accumulate on it; therefore, the roads do not get slick or muddy nor is it a dusty material for the wind to blow it around. Tripp County uses the gravel for many of its roads as well as various local townships.

I have listed names and numbers of businesses/individuals for you to contact for additional information on the quality, performance, and durability of our gravel. Please contact them for their opinions.

1. Virgil Novotny, Tripp County Commissioner. Dist.III; 31566 284th Street, Colome, SD 57528 1-605-842-0424/ 605-840-1505 cell (uses it for personal use and Tripp County roads)
2. Barry Grossenburg, Grossenburg & Son Implement; Grossenburg Land & Cattle: 31341 Hwy 18; Winner, SD 57580 1-605-842-2040 Business/ 605-842-0306 Home (uses for implement equipment lot and for personal use in feedlot)
3. Ron DeMers, Wilson township board member; 31846 284th Street; Colome, SD 57528 1-605-842-3340 (township road use and personal use in feedlot)

Please consider the advantages of using our product as to the quality of the gravel and the close proximity of location to your turbine project. Please feel free to call if you would like to discuss the gravel or have any questions.

Thank you.

Roger Turnquist



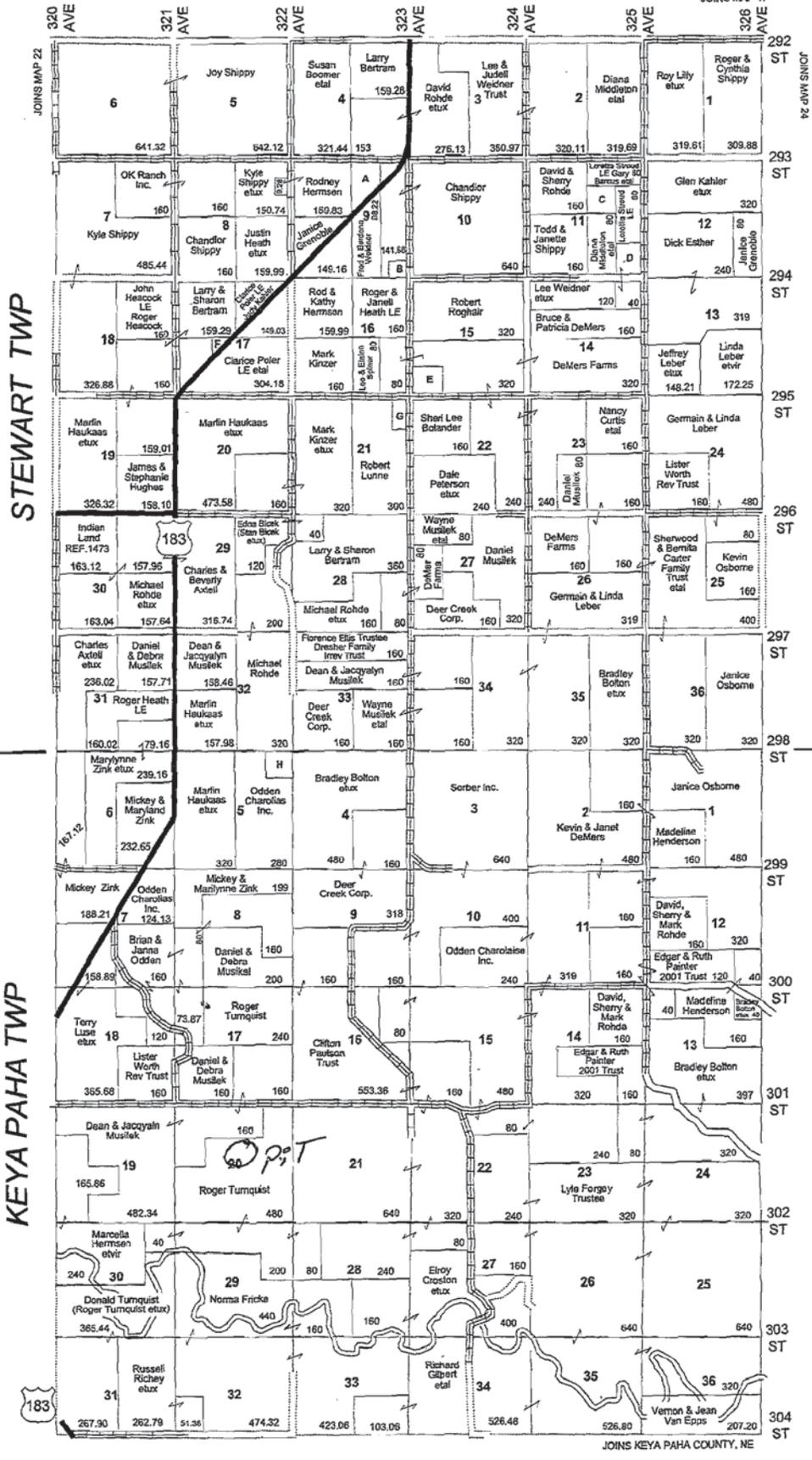
MAP 23

Comment Reference Document 31
Attachment 1

LAND OWNER

T 96 & 95 N

R 75 W



- Small Tracts**
- Section 9 N A Rod & Kathy Hermesen - 56.12
 - Section 9 N B Roger & Janell Heath - 12.48
 - Section 11 N C Chandler Shippy - 40
 - Section 11 N D Janice Grenoble - 40
 - Section 15 N E Dennis & Shirley DeMers - 40
 - Section 17 N F Ron Spears - 5.09
 - Section 21 N G Luke Worsch et ux - 20
 - Section 5 S H Brian & Janna Odden - 40



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South Dakota PrairieWinds Project Draft Environmental Impact Statement

Public Comments

**Additional Written Comment Received
After March 18, 2010**

South Dakota Office of Local Transportation Program

Mariah Lownds

From: Molly Cresto
Sent: Friday, April 23, 2010 12:33 PM
To: Mariah Lownds
Subject: FW: Wind Farms in South Dakota

Comment Reference
Document 33

>>> <Jennifer.Clements@state.sd.us> 4/21/2010 10:38 AM >>>

I have to apologize for the lateness in my reply to your letters regarding your wind farm proposals in several different counties in South Dakota. While I do realize that you wanted comments long before this, I thought I should still send the information regarding our permit process for these structures.

33.1

Based on letters dated 11/13/09 from the Dept of Energy's office and 1/13/10 from USDA-Rural Development, the proposed projects would involve well over 200 wind turbines in Deuel, Brookings, Jerauld and/or Tripp counties. Any structures over 200' above ground level have to file with the Federal Aviation Administration (FAA) and the State of South Dakota-Office of Local Transportation Programs. If the turbine companies have built wind farms anywhere else, they should already know about the FAA filing requirement but they may not be aware of the State requirements. Please forward this email to anyone proposing a wind farm in SD so that they may contact me about the State process.

33.2

Thank you,

Jennifer Clements, Aeronautics Program Assistant South Dakota Office of Local Transportation Programs 700 East Broadway Avenue Pierre, SD 57501

Phone: (605) 773-4430

Fax: (605) 773-4870

Email: jennifer.clements@state.sd.us